DEFENSE OPENING STATEMENT

PART I

BY

DR. ICHIRO KIYOSE

PART II

BY

KENZO TAKAYANAGI

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ERRATA SHEET

on

Defense Opening Statement

By

DR. KIYOSE

PAGE	LINE	
1	12	change "viewing" to "hewing"
2	27	change "Division" to "Division I"
11	8	after "new order" add "was"
16	8	change "diplomatic" to "diplomats"
28	5	change "imports" to "imports"

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President and Members of the Tribunal:

1. The time has now come for the accused to present their defenses to the charges in the indictment and the proofs adduced by the prosecution in support thereof. The tribunal has with great care listened to the prosecutions case these many past months. It has also with great indulgence permitted the defense within the framework of its concept of a fair and just trial to to conduct its part of the case with a tenor befitting the historical importance of these proceedings. Needless to say, the defense to be presented will proceed with the utmost expedition of which we are capable ~~viewing~~ having only to the issues raised for decision. The task to be undertaken by us is of such grave and novel import that we must at the outset invite the Tribunal's forbearance should we unwittingly stray from the standards we have set for ourselves or should we deviate from the precepts established by the Tribunal.

On 6 May 1945 the accused in open session before this Honorable Tribunal pleaded "not guilty" to all the counts and charges of the indictment, except the accused Okawa. The defense will disprove each and every charge of criminality lodged against them.

2. The allegations in the indictment are divided into 55 counts. Many of them aver one and the same allegation concerning the same charges viewed from different angles and seem to overlap. Some of the counts refer to all the accused and others refer to but a few. If all the accused here were to produce evidence individually and separately on behalf of themselves one after another against these numerous and diverse counts, much repetition and confusion would be bound to arise. So the defendants and their counsel have come to

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an agreement that they will produce as far as possible, evidence in common where the offences charged are in common. As a result of this arrangement, the proof to be presented in common has been divided into the following divisions and evidence will be produced accordingly.

Division 1. General problems.

Division 2. Matters concerning Manchuria and Manchoukuo

Division 3. Matters concerning China.

Division 4. Matters concerning the Soviet Union.

Division 5. Matters concerning the Pacific War.

After the presentation of evidence in the above divisions, each accused will from his own individual standpoint offer evidence concerning himself. It may be probable that since the interests, views and actions of some of the accused were opposed to each other, conflicting evidence will be presented. In so doing some of the accused may, from their own standpoint, demand exceptions to the facts and evidence as adduced in the above five divisions or may furnish other evidence in their individual interest. This phase may for the sake of convenience be called "Division 6. Individual cases or individual defenses".

3. We shall now point out a few important facts which will be dealt with under Division I, and explain the proposed method of presenting evidence. Needless to say, the matters to be pointed out here are but a part and not all of the matters to be dealt with in Division I, further remarks being reserved to be made at the opening of that division. The same can be said with regard to other divisions.

The prosecution assumes that all military precautions adopted by the government of Japan during the years from 1928 to 1945, from the standpoint of international law, were criminal acts in themselves. It not only avers that the policies of Japan were criminal but it asserts that if a nation initiates a so-called "war of aggression", or a war in violation of certain treaties, etc., the individuals who happened to be in office at the time

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be permitted to present briefly evidence concerning similar activities and undertakings of other nations.

5. There are three vital considerations which should be outlined in this opening statement in order properly to comprehend the exact nature of the internal and external policies of Japan during the period covered by the indictment. These are independence, abolition of racial discrimination and diplomacy. These are not merely the policies of any particular cabinets, of which there were many, nor are they principles of specific political parties. Rather they are national, long standing, and firm aspirations universally subscribed to and cherished by the entire Japanese nation since the opening of the country to foreign intercourse in 1853, and are as important to the Japanese as are free speech, free education and freedom of religion in America.

The first of these national characteristics is the fervent desire of the Japanese people to preserve the nation as a perfect independent and sovereign state. The treaty of "ANSEI" between Commodore Perry and the Shogun not only impaired the sovereignty of the nation extra-territorially but infringed upon its customs autonomy and hence was most deeply regretted by all Japanese of that era.

The sincere desire of foremost leaders throughout Japan in the Meiji period was to elevate and enhance the standing of the nation to a position of perfect independence and sovereignty. Since that purpose was a worthy one, consistent with the principles advocated by President Wilson after World War I, its attainment should be recognized by this Tribunal. The defense expects to prove that this principle was the universal aspiration of the Japanese people.

The second point is the demand for the abolition of racial discrimination. Racial discrimination affects those who are discriminated against much more keenly than those

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who discriminate. However, in order to eliminate racial discrimination the standards of culture and education for this nation needed to be raised. The government and the people of Japan were not blind to these necessary requisites. Where morality and custom called for certain modifications and improvements they willingly admitted their

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necessity and adopted them but the culture of the world is not singular but plural according to the number of nations and races concerned. Each nation has its own history and tradition, and culture is created and developed accordingly.

Since East Asia has its own culture it has been the desire of the Japanese people to preserve and purify it so that an equal position may be maintained with all races and peoples in every respect and thus contribute to the progress of mankind everywhere. The aspiration for racial equality cannot be realized simply by raising the position of the Japanese to the standard of Europeans and Americans. By its very nature the standard of all the peoples in East Asia should be raised in order to attain the complete abolition of discrimination. It is true that some few authors might have referred to this idea in an extravagant manner, but these writers were the exception. It was the unanimously held hope of the Japanese people, together with all other peoples of East Asia, to reach that standard attained by Europeans and Americans. It is expected that this point too will be proved by the defense in order to clarify and avoid any misunderstanding as to any alleged theory of Japanese racial superiority erroneously implied by the prosecution. We shall further develop that Dr. Sun Yat-Son, the father of the Chinese revolution, and other leaders in India and throughout East Asia expressed sympathy with this idea. If the true intention of the Japanese people in this respect is rightfully understood antagonism of other peoples and other countries would surely vanish.

The third fact to be referred to is what has been termed "the fundamental principles and doctrines of diplomacy" of Japan. Since the Meiji Period the prevailing ideal held by the government and the people of Japan in respect to foreign relations was to maintain peace in East Asia and thereby contribute to the welfare of the whole world. This was called the "cardinal principle of diplomacy" in official documents and Imperial Rescripts, that is to say, the fundamental ideal of Japan which guided its foreign

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policy. The war with China 1894 to 1895 and the war with Russia 1904 and 1905 were fought with that aim and consideration in view. That is explicitly written in the Rescripts declaring these wars. In the actual conditions at that time, Japan was the only country in the Far East which had adopted a western civilization and had all the qualifications of a modern state. Although China was a vast country abundant in resources, she faced the danger of being partitioned by the Powers into spheres of influence. Most of the regions in the south had already come under the domination of several Occidental Powers. Under such circumstances the Japanese people sincerely felt that Japan had a special mission as a stabilizing power in the East. This is not a peculiar notion held only by the accused; it has been a fundamental principle held for at least two generations by the Japanese nation. This principle has been recognized by the great powers, and we expect to prove that the Anglo-Japanese Alliance was concluded and renewed as a result of its recognition. The Japanese people cannot forget the sympathy of the government and the people of the United States shown toward Japan at the time of the Russo-Japanese war, which was fought for the maintenance of that cardinal principle. That principle of stabilization was never of an aggressive nature. On the one hand, it prevented East Asia from falling into political and economic confusion, and on the other hand it promoted the common development of all Asiatic races and thus their contribution to the progress of mankind. Only in the light of the foregoing ideals can the true relations between Japan and her neighbors be fully understood.

6. The government and the people of Japan have been especially sympathetic to the preservation and development of China. This is well expressed in official and unofficial documents since the Meiji Period. The relations between Japan and the Celestial Empire have often been voiced by the proverb "Shin-Shi-Hosha" which means that "without lips teeth are exposed to coldness", or "two wheels of a car help one another". Another saying is "dobun

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dosnu" meaning that both countries use the same letters, represent the same Confucian ethics and are of the same race. About 1900 Japan invited many students from China, President Chiang-Kai-Shek being one of them. Since the Chinese revolution in 1911 the Government and people of Japan extended sympathetic understandin to Doctor Sun Yat-Sen's work. While it is true that the Japanese General Staff had annual military plans, as has been pointed out by the prosecution, it is also true that the military staff never had a hypothetical military over-all plan against China. The presentation of evidence on these facts will, we believe, be helpful to the Tribunal in disproving several averments contained in the indictment and the testimony in the record.

7. In Count 5 of the indictment, citing the whole of the particulars in Appendix A, and treaties and assurances in Appendix B and C, it is charged that the accused as leaders, organizers, instigators or accomplices formulated and executed a conspiracy with an intention to dominate the whole world in conjunction with Germany and Italy. There is no greater misunderstanding than this. As to relations between Japan and Germany and Italy, my colleagues will present our case in the phase dealin with the Anti-Comintern Pact and the Tri-Partite Pact. I should like here to treat the matter as a whole concerning the ideals and aspirations of Japan on the one hand and those of Germany and Italy on the other.

Much of the confusion and misunderstandings are due to the interpretation of the idea of "hakko ichiu", cited in the preamble of the Tri-Partite Pact and in the Imperial Rescript, issued at the time of the conclusion of the Pact. Solemn classical words and phrases are fondly and customarily used in our official documents, giving to the document an effect of dignity but often adding obscurity even to the Japanese people themselves. So much more with foreigners who have different languages and concepts. For example, the Imperial Rescript issued on the conclusion of the Tri-Partite Pact

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paraphrases "hakko ichiu" and says, "It is indeed a great teaching of our Imperial ancestors that the Great Cause shall be propagated all over the eight corners of the world and the whole humanity on earth shall be deemed one family. To this august teaching we endeavor to adhere day and night."

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"The Great Cause" here means "universal truth." To be "propagated" here means that the said idea be made plain and manifest by all the world. "To be in one family" means that whole mankind is to live together with the feeling of fraternity in one household. As said before the culture is of a different origin from that of the West and, therefore, the expression is necessarily very different or even quaint to Europeans and Americans.

In the proposed plan for Japanese-American understanding, which was the basis of negotiation between the Secretary of State Hull and Ambassador Nomura, "Hakko Ichiu" is translated into English as "universal brotherhood." The preamble of the Tri-Partite Pact should be interpreted in its proper meaning. Whatever was the idea held by Germany and Italy at the time of the conclusion of the treaty, concrete and conclusive evidence will be produced to show that the Japanese Government had no intention to conquer the world in cooperation with Germany and Italy.

8. In Article 2 of the said Pact it is provided in effect that Germany and Italy respect and recognize the leading position of Japan in the establishment of a new order in Greater East Asia. No word is more subject to misunderstanding than the expression "New Order in East Asia" or "Greater East Asia Co-Prosperity Sphere." The Prosecution went so far as to say that "a new order" is an idea to destroy democracy and freedom and the respect for personality, which are the basis of democracy. Is it not a confusion of the ideal of the Japanese nation and that of other countries, or, at least, a product of association with other ideas that led the Prosecution to such a misunderstanding? But the implication of the particular Japanese words as used at the period under consideration, and the nature of the Japanese idea itself alone are necessary for consideration here.

It was in the Konoye declaration of November 3rd and December 22, 1938, that the words "New Order in East Asia" were first officially used. As to the meaning of "New Order in East Asia" as used in the Konoye declaration, that declaration is a document

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which speaks for itself; that Japan, Manchoukuo and China will cooperate on the basis of good neighborliness, common defense against communism, and economic cooperation. As to the relation with other countries, the declaration says, "With regard to the economic relations between Japan and China, Japan has no intention of monopolizing China economically." It did not exclude the principle of equal opportunity. We must, however, remember, as the prosecution contends, that it was during the period when large scale battles were taking place between the two countries involving more than a million soldiers. In such a period of large scale conflict it was inevitable that various restrictions were imposed upon foreigners as well as upon nationals of the conflicting states. In connection with this point, the joint declaration of Foreign Minister Arita and the British Ambassador Craigi in July, 1939, will be presented as evidence. The declaration say in part that, "the British Government fully recognizes the actual condition that a large scale warfare is going on in China, and the British Government recognizes that the Japanese Army has a special demand in order to secure its own safety and to maintain peace and order of the area under its control as long as the said condition continues to exist. . ."

The intrinsic content of the idea of the new order as used in Japan is the "Ko-do" or "Imperial Way", as it is sometimes translated. The gist of the "Imperial Way" is benevolence, righteousness and moral courage. It respects courtesy and honor. Its ideal is to let everyone have his or her own part, and fulfill his or her duty. It envisions ruler and ruled to be of one mind and the affairs of state to be administered by the sincere aid of the whole people. It is just the opposite to the idea of militarism and despotism. It is extremely difficult to express such ideals in language other than Japanese, but as far as the respect for individual personality is concerned, there is no fundamental difference between the "Imperial Way" and democracy. It is unusual to adduce evidence to prove such abstract ideas in a court of justice, but we must do this in the present case. We shall

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offer a speech made by one of the accused in the Imperial Diet showing the difference between the "Imperial Way" and the totalitarianism of Germany and Italy.

Another obvious distinction between the two is that there is no taint of racial superiority in Japan as is found in Germany. On the contrary, our people are always conscious of our own limitations and are anxious to reach the world standard with other peoples in East Asia. Since our new order was to respect the independence of every country, it never implied the idea of world conquest and it has nothing to do with the restriction of individual freedom. The terminology of "leadership" is understood by us not to mean domination or control but only to take the initiative as a leader or guide among ourselves as equals. Such fundamental national ideals can never be affected or changed by the inept wording of a treaty or any other document, official or otherwise. Later on we came to use the words "the New Order in Greater East Asia" or "the Greater East Asia Co-Prosperity Sphere" as including not only Manchuria and China, but also other countries in East Asia. Notwithstanding the fundamental idea remained the same. The joint declaration consisting of five Articles adopted at the Greater East Asia Conference at Tokyo in November, 1943, well expresses the essence of the concept of the new order in Greater East Asia. It provides:

1. The countries of Greater East Asia through mutual cooperation will ensure the stability of their region and construct an order of common prosperity and well-being based upon Justice.

2. The countries of Greater East Asia will ensure the fraternity of nations in their region by respecting one another's sovereignty and independence and practicing mutual assistance and amity.

3. The countries of Greater East Asia by respecting one another's traditions and developing the creative faculties of each race, will enhance the culture and civilization of Greater East Asia.

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4. The countries of Greater East Asia will endeavor to accelerate their economic development through close cooperation upon a basis of reciprocity and to promote thereby the general prosperity of their region.

5. The countries of Greater East Asia will cultivate friendly relations with all the countries of the world and work for the abolition of racial discrimination, the promotion of cultural intercourse and the opening of resources throughout the world, and contribute thereby to the progress of mankind.

The foregoing resolution, together with the speeches given at the conference by the representatives of various countries will be presented as evidence. Although the resolution considers East Asia as a family of nations with regard to political life, it takes a world-wide view as far as the intercourse among countries and development of resources and the exchange of cultures are concerned. Article 5 of the resolution is especially noteworthy. It was generally held at that time that this planet is too large as a political unit, but too small economically if it is divided into various units. Thus it will be shown that the idea of new order among us has not been that of world conquest, but is in essence strangely similar to the Good Neighbor Policy of the United States.

9. My duty is to outline facts to be presented to the Tribunal in concise form. Therefore, I will avoid legal arguments as far as possible. As the prosecution aptly indicated, conspiracy as the first crime specified in the Charter of this Tribunal, is only referred to and not defined in the Charter. Apart from the legality of the Charter to punish conspiracy, we cannot without definition of conspiracy determine the facts which the prosecution charges as criminal. Nor can the defendants know what kind of evidence they are called upon to disprove.

The prosecution has cited decisions of inferior federal courts of the United States in an attempt to define conspiracy and seem to assert that the decisions of such courts are indisputable. This Tribunal is an international court and the

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President has already expressed the opinion that because of its status it could hardly be expected to take judicial knowledge even of the Constitution of the United States of America and it is inconceivable that the Tribunal could accept the decisions of inferior federal courts of the United States when those same courts came into existence only as a result of the provisions of that same constitution.

We submit respectfully that it is not proper to apply a particular legal theory which has developed in

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a certain country with its peculiar historical background at this Tribunal as if it were a general principle of law of universal application. The idea of conspiracy is unique in the Anglo-American legal system and its counterpart cannot be found in the countries following the Roman Law. Even in countries which have adopted Anglo-American legal principles, it is impossible strict to apply in toto particular decisions of England and America. I. some countries when two or more persons plot a particular crime they are punished as accomplices. In that case the object of the plot must be clearly illegal and it must be shown that it cannot be accomplished except by adopting an illegal method. In Japan it is rather exceptional to punish the preparation of a crime and plot thereof before the commission of a criminal act. The kinds of crimes the preperation of which are punishable are enumerated in the criminal code. The same, as I understand it, could be said as to the criminal law of other countries which have adopted the Roman legal system. Moreover, in order to constitute a plot or conspiracy as an independent crime, the date and place of such plot or conspiracy must be specified to an intelligible extent. In countries which have not adopted the Anglo-American legal system, it is inconceivable, therefore, that a conspiracy could exist from January 1928 to September 2, 1945. What I wish to submit is that the said doctrine, to-wit, the doctrine of conspiracy, as has been developed in England and America as one entity, cannot be deemed to constitute international law. If the decisions cited by the prosecution mean that those who join the donspiracy after the common plan was formulated are criminally responsible to the same extent as the original conspirators, we submit this is decidedly not a commonly accepted legal principle throughout the world and, therefore, cannot be applied by this International Tribunal as a precept of international law.

10. The method of selecting the head of the cabinet since 1928 was largely a matter of chance. If a cabinet falls for some reason or other, the Emperor seeks, through Lord Keeper of the

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Privy Seal, the advice of elder statesmen (mostly ex-premiers) as to who is to be the successor. As the elder statesmen themselves are not an organized group, those who happen to attend the meeting discuss the matter and select extemporaneously a premier designate after due consideration is given to the exigency then existing and report the decision to the Throne. The Emperor accepts the advice without exception. Since there is no way to foretell who will become the Premier until the moment the report of the elder statesmen is submitted to the Throne, it is impossible in Japan for a certain organization, party or clique to monopolize power for any duration of time, and continue a particular plan or conspiracy. The so-called "Tanaka Memorial" referred to by a certain prosecution witness as evidence of conspiracy, is, we submit, a forgery and a travesty. Pertinent documents and witnesses will be produced to prove these points.

Section 2 of the preamble of the Indictment and paragraph 4, Section 6 of the Appendix of the Indictment seem to consider the Imperial Rule Assistance Association and the Imperial Rule Assistance Political Society as something akin to the Nazis in Germany or the Fascists in Italy. Nothing can be a greater misunderstanding of Japanese politics than this. Although this point has been partly proved by cross-examination of the witness produced by the prosecution, we think it necessary to prove our contention more conclusively by authoritative documents and witnesses, and expect to do so.

The prosecution refers to the Imperial Ordinance of 1936 to the effect that the Ministers of War and of the Navy must be selected from among generals and lieutenant generals or admirals and vice-admirals of the active list, and goes on to contend that the

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purpose of the Ordinance was for the army to control the government and that the army utilized the Ordinance for the plotting of armed expansion of Japan. This is contrary to the real state of affairs . This Imperial Ordinance was promulgated after the February 26 Incident of 1936, a rebellion in which Premier Okada and other elder statesmen were assaulted. It was feared at that time that, if some generals in the reserve list had any connection with any group of men concerned in the February Incident, and one of them happened to be appointed War Minister, that would be a serious matter for the safety of this state. This Ordinance was enacted to prevent the occurrence of that kind of thing. In other words, the purpose of the said Ordinance was to make a thorough purification of the army possible. As a matter of fact, the Ordinance was effective. Its result was, contrary to the prosecution's charge, to restrain those who insisted on using armed force illegitimately. On this point we are ready to present evidence. Briefly speaking, it is a misunderstanding of fact to think that there was any military organization which controlled the Japanese Government during the period specified in the indictment.

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11. The defense will refute the charge of conspiracy among the accused for the conquest of the world in general (Count 45); domination of East Asia, the Pacific, Indian Ocean and regions adjacent thereto, (Count 1); or the control of China (Count 3); or the control of Manchuria, (Count 2). There are differences of age and evironment among the accused. Some of them are army or navy officers, some are civil officers, some are diplomatists, and some are authors. They never had any chance to meet as a whole with any special object in view. They never had any occasion as a group to exhange their opinions on any such matters. As a matter of fact there were real differences and divisions of opinion among some of them. If some of them as a group were in any way related with the Manchurian Incident, the China Affair or the Pacific War, it was due to the fact that they were prominent personages when those incidents or hostilities which demanded concerted activities of the whole nation took place. There is no such fact nor supporting proof that the accused and certain divers persons, who have never been named by the Prosecution, who are not indicted, created a conspiring organization and by some method or other devised a common plan to conquer or dominate the world, East Asia, the Pacific Ocean, the Indian Ocean, China or Manchuria. We will produce evidence to disprove the existence of any such conspiracy of conquest or domination.

12. There is another point in this connection which the defense are ready to prove. It is a mistake to think that there was one common and premeditated plan throughout the Manchurian Incident, the China Incident and the Pacific War. They were separate events having separate causes. Persons who were concerned with one incident were different from the persons concerned with the others. There is no such fact that the former officials passed on their premeditated plans to their successors or that they were accepted by them. The most obvious thing is the difference between the Manchurian Affair on the one hand and the China Incident and the

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Pacific War on the other. The Manchurian Incident came to an end in 1933 by the Tangku Truce. After that officials of the Chiang Kai-Shek Government concluded agreements with Manchoukuo with regard to customs, postal service, telegraph and railroad. In 1935 Chiang Kai-Shek promulgated the Good Neighbor Ordinance toward Japan. Mr. Hirota, Foreign Minister of the Okada Cabinet, negotiated with China and formulated the"Hirota Three Principles" including the recognition of the status quo of Manchuria and North China and secured the consent of the Chinese Government to discuss the details with those principles as the basis. It may be natural erroneously to suppose that the China Incident, which took place four years after the Tangku Truce, had been intentionally planned and executed by particular individuals with the same object as the Manchurian Incident in view. The necessary evidence to prove the above points will be produced.

13. In Division 1, various evidence will be produced in connection with Japan's internal politics. The Prosecution alleges that for many years, even previous to January 1928, the Japanese Army taught militaristic spirit to Japanese young men, and tried to cultivate an extreme nationalistic idea that the progress of Japan depended upon wars of conquest; also that the army enforced that educational policy in public schools, and concludes that this fact is evidence of the existence of a conspiracy. Nothing can be a greater mistake than such a view of Japanese education. The educational system in the public schools was modelled on the American system after 1872. The foundation of Japanese national ethics has since then been the synthesis of Japan's ancient tradition and China's Confucian teachings with Occidental ethics. In 1890, the Imperial Rescript concerning education was promulgated, in which certain virtues such as

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loyalty, filial piety, universal love, justice, public spirit and the spirit of service were specified. It never included warlike spirit. The fundamental principle held by the Imperial family has always been peace, love and benevolence, excluding extravagance and encouraging simplicity and vigor; but this is different from the encouragement of war. It is true that after 1929 following the example of the United States and Switzerland, Japan adopted military drill in schools with the aim in view of developing discipline of mind and body, and to improve the character of youth. This was done in order to make up for the deficiency ceused by retrenchment in armaments and military budgets by the Japanese Government and hence cannot be considered as an expression of aggressiveness. The foregoing was the fundamental educational policy and no Minister of Education had the power to modify it. There is nothing to prove that the Government or the army taught the people that the future of Japan depended on aggressive war.

Japan being a country of small area and incapable of self support because of meagre natural resources, there is no way for Japan other than immigration, foreign trade and industrialization in order to feed her rapidly increasing surplus population and to maintain her economy. Since immigration was restricted by many of the Western powers, Japan was forced to choose foreign trade and industrialization and she naturally adopted the appropriate method towards that direction, especially in East Asia, which because of propinquity and special interests it was natural for her to do.

Meanwhile under the storm and stress of world economic depression, England dropped off the gold standard in September 1931 and other countries soon followed her example. Since the British Imperial bloc was formed with the Ottawa

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Conference in July 1932, the worldwide tariff war was intensified and trade barriers became serious. Notwithstanding, Japan still maintained the principle of free trade, and when the world currency and economic conference was held in June 1933 Japan participated in it with great expectation; and Viscount Kikujiro Ishii, the Japanese delegate, enthusiastically presented Japan's point of view. However, the conferenc was unsuccessful, the United States stand contributing heavily to that end.

In 1934 an Anglo-Japanese trade conference was proposed by Great Britain and was held. Although Japan sent her delegates to that conference, Great Britain insisted on the limitation and allocation of Japan's trade, not only within the British Commonwealth of Nations but even to third countries. Since it was impossible for Japan to accept such a proposal she withdrew from the conference and thus the negotiations ended fruitlessly. Consequently, with the declaration of Mr. Ranshman, Secretary of Commerce, the whole British Empire restricted Japan's trade. Meanwhile a trade conference was held between Britain and the Dutch East Indies, and the latter adopted forceful measures to prevent Japanese imports and then proposed a Japanese-Dutch trade conference. Although this conference took place in June 1934, adjustment of Japanese-Dutch trade was extremely difficult since the position of Japan was different from that of England. On the other hand, the anti-Japanese movement in China also became intensified. Thus Japan, which had to depend on foreign trade for her existence, was faced with a grave situation.

Because of such economic stress throughout the world, Japan was compelled to turn to planned economy and the formation of an economic bloc for her economic self-autonomy.

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In particular, the consecutive five year plan of the Soviet Union was keenly felt by Japan. Since she was considerably backward in heavy industry, she strongly felt the necessity of promoting this phase of her economy. Various measures of economic control and planning were adopted under such circumstances. They were in no sense premeditated preparations for the China Incident. So much less so with regard to the Pacific War. On these points we will produce evidence and statements of expert witnesses.

Before the war, freedom of speech was respected in Japan as much as in most other countries. However, it is a truism that the propagation of communism and ultra-nationalism has been prohibited by law since 1925. Japanese people wished to maintain the system of private property and they violently abhorred having the Imperial Household subjected to disrespect. The communists deny the system of private property and they intend to destroy the Imperial Dynasty. Since 1920, the movement of the Communist Party had become active in Japan and a subversive movement to destroy private property and the Imperial Dynasty began to take impetus throughout the country. It is only natural under such circumstances that a sovereign state should prohibit such a movement. It is neither a plan nor a preparation for war. This point can be easily proved by the fact that the Peace Preservation Law was proposed by a coalition government of the three parties which were regarded as liberals. The facts concerning the direction of thought and speech will have to be shown by producing evidence. It is needless to say that once war opens a certain amount of restriction on freedom of speech and other civil liberties becomes necessary for preventing espionage, and it is introduced in every country without exception. There should be

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no confusion of thought on this point. The object of the thought control was not only the leftist movement mentioned above but also the rightist or ultra-nationalist movement. Some of the accused while in office were responsible for the control of such movements.

There arose in Japan about 1930-1931 a so-called reformation movement (Kakushin Undo). This movement was not necessarily aimed at expansion. It must be remembered, however, that the Japanese population was rapidly increasing year after year and was almost on the point of reaching one hundred million. Natural resources were extremely limited. And as a result of worldwide economic depression, commerce and industry as well as agriculture were facing serious difficulties. Party politics existed at that time; and the Seiyukai and the Minseito alternately formed the cabinets. But the method of political contest was unfair and instances of political corruption were exposed day after day. Being excited and irritated by these facts and incidents, hot-headed young men and young officers appealed to direct action. The evidence to show the motive of this movement was partly destroyed by air raids to our regret but the remaining part and witnesses will be produced to show that the movement did not aim at aggressive war. At this opportunity it is worthwhile to point out that some of the accused contributed to suppression of this movement.

14. The Prosecution presents the national defense plans of Japan since 1937 as evidence of Japan's aggressive design. But armaments are always relative as has been said before. It is not possible to determine whether the national defense plan of Japan was aggressive or not until and unless it is studied in comparison with the plans of other countries. In 1937 the military neighbors of Japan were China and the

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Soviet Union. As to China, Japan never proposed to come to an over-all conflict and therefore had no comprehensive plan of operations; as to Russia, w shall prove the nature of Japan's military plan by presenting her second and third five-year plans and the condition of the Far Eastern Army of the Soviet Union after 1936. The military or naval staff of every country makes annual plans in consideration of potential enemies but it is needless to say that the existence of such plans does not indicate that the country has the intent to wage war against other nations. It is also possible to prove that the intent of Japan was not aggressive by contrasting Japan's naval plans after the London Naval Conferences with those of the United States and the British Empire.

15. The nature and scope of the right of self-defense is a question of international law, and therefore no evidence is necessary. However, the question to what extent the right of self-defense is reserved in a particular treaty may be answered in the light of circumstances surrounding the conclusion of the treaty. The defendants are prepared to produce the evidence relative to the negotiation of the Kellogg-Briand Pact, the official declarations of the parties concerned and the reservations of the Governments at the time of the conclusion of the Pact, which will be of assistance in delimiting the right of self-defense implicit in the said Pact.

This issue of the interpretation of the right of self-defense was also raised at the time of the negotiations between Secretary Hull and Ambassador Nomura in 1941. At that time the United States showed its own view as to the extent of the right of self-defense. The defense are prepared to produce records concerning the United States' view on

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self-defense.

It is also said that "every nation is competent to decide whether circumstances require recourse to war in self-defense." Under international law it is well established that the party invoking such right has the sole and absolute discretion to determine the valid existence of such right.

16. It will be a difficult matter for foreigners to understand the relation in Japan between the high command and the authority of ordinary state affairs. It is, nevertheless, important to illuminate this relationship in order to determine the responsibility for any act or omission in the present case. This depends upon the interpretation of the Constitution of Japan, especially Articles 11 and 12 and upon established custom in this country. With regard to military affairs, the extent of the respective jurisdiction and responsibility of the military command (the Chief of the Army General Staff and the Chief of the Navy General Staff) and of the Minister of War or the Navy is an important issue. The jurisdiction of various other governmental organs must also be considered in this connection. The defendants are prepared to produce witnesses to clarify this point. The nature of command and the duty of obedience in the Japanese Army are different from those of other countries. This will be considered separately with regard to peace-time and war-time.

17. Concrete evidence will be submitted to show the connection with the interpretation and application of the Potsdam Declaration and the Instrument of Surrender.

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A. Japan accepted the Potsdam Declaration which was proposed by the Allies on July 26, 1945 and thereafter surrendered. This Tribunal was created as a result of Japan's capitulation by the Instrument of Surrender. Although Japan surrendered "unconditionally" in the sense that she accepted the Potsdam Declaration as a whole we cannot forget that the Potsdam Declaration itself constitutes a condition as between the Allied Powers and Japan. Article 5 of the Potsdam Declaration provides: "The following are our terms. We will not deviate from these Articles." The words "unconditional surrender" are used in Article 13 of the Declaration and in paragraph 2 of the Instrument of Surrender. In either case it refers to the surrender of the Japanese armed forces only. That is to day, the Japanese forces were ordered to surrender to the Allied forces without any condition or reservation. It cannot be said that the other parts of the Potsdam Declaration lose their binding power simply because of the words "unconditional surrender" used in connection with the armed forces.

B. The meaning of the words "war crimes" used in Article 10 of the said Declaration remains an important issue. We are ready to prove in what sense Japan, that is to say, Japanese responsible authorities, understood the term in issue at the time of accepting the Declaration. Corroborating evidence also will be adduced to prove the general understanding of the term "war crimes" at the end of July or beginning of August 1945 in Japan as well as all over the civilized world. This will show that the said term as known to international law did not include "crimes against peace" and "crimes against humanity." This seems to be necessary in supporting the position of the Defense that this Tribunal has no jurisdiction to entertain Counts invoking Sections (a) and (c) of Article 5 of the Charter creating this Tribunal.

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C. By accepting the Potsdam Declaration, Japan surrendered with respect to the Pacific War, in which she had been engaged. She had no intention to surrender with respect to the Manchurian Incident, the Lake Khasan Incident or the Nomonhan Incident. In order to prove those points, the documents showing that the Manchurian Incident had been settled by 1935, the documents showing that the Khasan Lake Incident or Nomonhan Incident had been settled by specific respective agreements, and the documents showing that a neutrality treaty was concluded between the Soviet Union and Japan in April 1941 will be presented. The appended declaration to the neutrality treaty is very important. It provides in part that "the Soviet Union respects the territorial integrity and inviolability of Manchoukuo."

D. Additional evidence will be produced with reference to the interpretation and application of the Potsdam Declaration. This will be done for the following reason.

When one party induces the other to surrender while employing certain mode of warfare, it is naturally presumed that the former induces surrender assuming his own particular mode of warfare to be legitimate. If the word "crime" happens to be used in such inducement to surrender, that word should not include such mode of warfare as is being used by that party while inducing surrender. This we take to be a correct interpretation of any such inducement or declaration. Therefore, the type of warfare which the Allied forces openly employed against Japan should be excluded from the "crimes" provided for in the Potsdam Declaration. This will determine the limit of war

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crimes to be dealt with in this Tribunal. Records, photographs and many witnesses will be produced in order to sho the type of warfare conducted by the Allied Powers.

18. The Prosecution contends that aggressive war has been an international crime for a long time and gives a definition of aggression. In order to support its theory of aggression it goes on to cite various treaties and agreements. As John Bassett Moore has said in his "Appeal to Reason", it is impossible to define what is aggression. We are not going into a legal argument now. We expect to have an opportunity to discuss legal problems later on. However, we think it is appropriate at this moment to point out certain omissions in the facts by the Prosecution. It first invokes the Hague Convention I of 1907. But this treaty does not make good offices and mediation an absolute duty. The contracting parties are only expected to submit their disputes to good offices or mediation "as far as possible" or "as far as circumstances allow". The Prosecution next refers to the draft treaty of Mutual Assistance, which was discussed at the Fourth Assembly of the League of Nations in 1923. The said draft was dropped at the Fifth Assembly in 1924 and has never become a treaty. Therefore it is not binding on any power. The Prosecution refers to the Geneva Protocol of 1924. This was signed by the delegates but since Great Britain withheld ratification, no state ratified it. Thus the Geneva Protocol has never become a treaty. This fact proves that it has been thought too premature as well as too difficult to define and to determine aggressive war as an international crime. The Kellogg-Briand Pact of 1928 does not provide that aggressive war is an international crime.

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19. The Indictment from Count 37 on provides for a group of crimes under the title, "murder", and charges crimes of murder against the defendants for the loss of lives due to the act of war. The Defense contends that the loss of lives due to the act of war does not constitute murder. This, we believe, is an accepted theory of international law and is too obvious to call for any authority. The state of war in this instance came into existence when the first shot was fired. Therefore, we will produce evidence to show that the loss of lives referred to in Counts 37 to Count 44 in the Indictment occurred after the state of war existed.

The Prosecution asserts that in all cases of aggressive war those who are in official position should be treated as common felons; that is, murderers, brigands, pirates and plunderers and should be punished as such. It goes on to say that such is a generally recognized principle of international law. Does the Prosecution refer to the primitive age in which international law did not exist? Since international law came into existence there has always been a distinction between war as an act of sovereign states and acts of brigands or pirates. This seems to us the first principle of international law.

20. In case a war is waged by the will of the state, it becomes an important question in international law whether individuals who are in official positions of the state are ipso facto criminally responsible. The Allied Powers content that this World War II was fought by them for the maintenance of international law. We take it, therefore, the Allied Powers will have no objection to the strict interpretation of international law. The Prosecution

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refers to this point several times in the opening statement. It maintains this although it is fully aware of the danger of proceeding without precedents. For our part, we are convinced that international law as it existed from 1928 to 1945 imparts no responsibility to individuals in official positions for the act of the state. Even the new Charter of the United Nations, the latest pronouncement of international law, does not propose such a doctrine. Therefore, we believe that the provisions concerning individual responsibility in this Charter, something which the Potsdam Declaration we submit did not contemplate, are ex post facto law. For this reason we will produce evidence to show that international law as it existed during the period indicated by the Indictment did not impute criminal responsibility to individuals for the act of the state.

21. The Prosecution frequently compares incidents which occurred during the Pacific War with acts of Germany during the European war. It asserts that terrorism and atrocities occurring during the Pacific War were of the same type that Germany committed, and that these acts were not incidental errors on the part of the individuals but premeditated acts committed in pursuance of a national policy. Counsel for the Defense are prepared to show that the central government and high command strongly desired that the rules and customs of war be strictly observed and that civilians and even enemies who had given up arms, be treated humanely. For that purpose, "The Battlefield Manual" was issued in January 1943 and distributed to all soldiers, and violators were tried by Court Martial. The Army and Navy Chiefs of Command at the front were always emphatic in stressing this point. We must admit, however, that during the later period of the

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war when the communications with the home country were cut, battl fields isolated, orders from the commanding officers became impossible, food became scarce and the very existence of the Japane soldiers precarious, or when they met with cruel guerrila warfar by natives inhumane acts, may have been committed. As to the prisoner of war labor, of non-commissioned officers and officers, we contend the orders were that such labor should be performed voluntarily. On these matters we are prepared to produce concrete facts in Division 1. Intentional violation of human dece as was alleged to have been committed against the Jews in Germany was never present in Japan. We are prepared to produce evidence to explain the difference between the war crimes of Germany and the alleged acts of the accused.

22. Division 2 is provided for the purpose of disproving crimes as alleged by the prosecution to have been committed in Manchuria since 1931. It relates to Count 2, Appendix A, Count 18 and Count 27. Count 44 also relates to this division to some extent. There is ample evidence which the accused will present under this division.

The Lytton Report which the prosecution presented, says in part: "...the issues involved in this conflict are not as simple as they are often represented to be. They are, on the contrary, exceedingly complicated, and only an intimate knowledge of all the facts, as well as of their historical background, should entitle anyone to express a definite opinion upon them"

23. In order to show the special conditions in Manchukuo, Japan's special rights and interest in Manchuria and their legitimacy will be proved. Why did Japan acquire special rights and interests in Manchuria? Why did the Japanese go to Manchuri Japan is a country of small area and a large population. As long as emigration was possible the problem was hoped to be partly solved by that. In 1908 Japan's emigration to the United States

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was virtually stopped by the so-called "Gentlemen's Agreement". At that time Mr. Jutaro Komura, Foreign Minister, spoke at the Imperial Diet as follows: "In order to prevent our people from scattering around remote foreign territories it has become nec sary to concentrate them to this district (Manchuria) and administer them with their joint co-operation --- The Japanese government in consideration of these points will follow the established policy with regard to the immigration to the United States and Canada, and is faithfully enforcing the restriction of immigrants." This declaration has been taken in Japan as having previously been understood by the United States. With regard to Japan's relations with the United States an agreement was reached between Mr. Lansing, Secretary of State of the United States and Mr. Ishii, Japanese representative, on Decembe 1917. It says in part: "The Governments of the United States and Japan recognize that territorial propinquity creates special relations between countries, and, consequently, the Government of the United States recognizes that Japan has special interest in China, particularly in the part to which her possessions are contiguous." The agreement was made in the form of exchange of notes. The agreement was cancelled later but before its nullification our people had done much in Manchuria. This achievement cannot be taken away by the nullification of the Lansing-Ishii Agreement.

24. At that period the authorities in Manchuria maintained their power in cooperation with Japan. Since 1925 the national rights recovery movement arose throughout China. The situation in Manchuria was vitally affected. In 1928 Chang Tso-Lin was killed and the Manchurian authorities adopted the Chinese Republic flag. As soon as the Kuo-min-tang (Chinese Nationalist Party) stepped into Manchuria Japanese-Manchurian disputes continuously increased. In 1931 there were more than three hundred pending problems. We will show these facts by evidence.

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25. Japan had a legal right under treaties and agreements to maintain the Kwantung Army in Manchuria in order to protect her rights and interests in Kwantung Peninsula and Manchuria. In 1931 the total of the Kwantung Army consisted of eight battalions of infantry, two batteries of artillery and one independent garrison (six battalions of infantry) making 10,400 men in all, it being less than the number of fifteen soldiers per kilometre of railway lines in Manchuria, provided for in the additional articles to the Portsmouth Treaty of 1905. The forces under the control of Chang Hsueh-Liang, on the other hand, consisted of 268,000 of the regular army and hordes of irregulars. The Kwantung Army was a small force of 10,400 encircled by more than 200,000 Chinese. Its duty was to protect the South Manchuria Railway which extended one thousand kilometres, and Japanese nationals numbering one million two hundred thousand scattered all over the vast expanse of Manchuria. Under these circumstances in the emergency that arose it was necessary for the Kwantung Army to take prompt measures of self-defense.

26. The prosecution contends the occurrence at Mukden on September 18, 1931 was a planned action on the part of Japan. The defense will produce evidence to prove the true cause of the incident, which resulted in armed conflict. Once a conflict occurred, the Kwantung Army for its own self-defense and for the execution of its own duty, had to defeat the Chinese forces. We will show the details of the incident by producing the testament of General HONJO. The government of Japan did not wish to see the situation aggravated and tried its best to stop the incident, but the situation grew from bad to worse against its will. The truth of this situation and the attitude of the League of Nations and of the United States will be explained by producing pertinent documents, and has already been shown by testimony and documents already presented by the prosecution.

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27. While the Kwantung Army was fighting with the Chinese forces for self-defense, the inhabitants in Manchuria started a self-rule movement for Manchuria for various motives, such as the consideration for the welfare of the various peoples, anti-communism, the desire of the Mongolian people for independence from the Chinese Republic, the discontentments of the various generals against Chang Hsueh-Liang, and the desire to restore the Chin Dynasty. In February 1932 the Administrative Committee of the North East provinces was created, and on March 1, the government of Manchoukuo was inaugurated. The outline of these activities will be explained and proved.

28. After the establishment of Manchoukuo the Japanese were permitted to acquire Manchoukuoan nationality. It is true that some number of the Japanese nationals became officials, and directly participated in the development of the country. But these all were after the new State was created. In September 1931 the Minister of Foreign Affairs and the Minister of War of Japan instructed the Japanese officials in Manchuria not to participate in the establishment of the new State. In other words, notwithstanding the Lytton Report, the birth of Manchoukuo was the result of a voluntary independence movement by the inhabitants of Manchuria. Evidence will be produced to prove this fact.

29. The Manchurian incident was settled in May 1933. During 1935-1936 China was inclined to recognize the de facto status of Manchuria. Other countries began to recognize Manchoukuo. Especially the Soviet Union, which now sends prosecutors to this Tribunal, agreed to respect the territorial integrity and inviolability of Manchoukuo in 1941.

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30. The third division concerns China. The Counts relating to this division are Counts 3, 6,19, 27, 28, 36, 45 to 50, and 53 to 55.

The responsibility for the Marco Polo Bridge Incident does not lie upon Japan. It will be noted that Japan along with the other powers had a right to station some armed forces in North China and was allowed to hold field maneuvers under the Boxer Protocol of 1901 and its appended notes. Moreover, in this area Japan had other important lawful interests and a considerable number of her nationals residing there. Had the Incident been settled locally, as was desired by Japan, the conflict would not have been aggravated to such a magnitude and there would not have arisen any question of "aggressive war". Therefore, we will also prove that China was responsible for the enlargement of the Incident and that Japan throughout the whole Incident adhered to the policy of non-aggravation and tried its best to settle the question locally.

On July 13 the Konoye Cabinet declared as follows: "Even now the Army will adhere to the policy of no-aggravation and local settlement and will avoid to its utmost effort any action which might lead to a war. For this reason the Japanese Army has approved the conditions submitted by the representatives of the 29th Army signed on 8 P.M. of the 11th, and will watch its execution". But China did not stop hostile acts. The assault at Lanfong, the Kwan An Men Incident, the atrocities at Tungchow, etc. continuously occurred. China began to take on an organized war attitude. On July 12, Generalissimo Chiang Kai-Shek ordered a mobilization applicable to a large area. Meanwhile, the concentration of the Chinese forces in North China became increasingly intense. The Japanese forces

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in Fengtai were encircled and violently attacked by the Chinese forces. On July 27 the Japanese forces in China decided to take up arms for self defense. The actual conditions during this period will be explained and proved by documents and witnesses.

Japan notwithstanding still persisted in the policy of non-aggravation. Chiang Kai-Shek continued to strengthen his forces. On August 15 the Total Mobilization Order was issued. The General Headquarters was established; Chiang Kai-Shek himself became Commander-in-Chief of the Army, Navy and the Air Forces. The whole country was divided into four war districts: First War District (Hopei-Charhar), Second War District (Charhar-Shansi), Third War District (Shanghai), Fourth War District (South China), for each of which respective army forces were allocated, and thus a total war basis against Japan was completed.

It can be said that hostilities on a large scale commenced at this time, although even then diplomatic relations between the two countries were continued. Because of the menacing conditions just described, on August 31 Japan sent three divisions to North China in order to safeguard her lawful interests. The name of the Japanese Army in China was changed to the"Japanese Forces in North China". The commander of the Japanese Forces in North China was instructed to secure the stabilization of the Peiping-Tientsin area and to break down the warlike intention of the opposition and to bring the conflict speedily to an end. Even at this stage Japan only sought to restore friendly relations and order and tranquillity in North China and abandonment of anti-Japanese policy on the part of China.

31. The Japanese government first designated this confliot "The North China Incident" because it thought its

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extent could be limited to North China. But it spread to Middle China in August contrary to Japan's desire, the cause of which will be explained later. China, ignoring the Shanghai Truce which was concluded in 1932 by the good offices of British, American and other representatives, constructed military bases in an unfortified area, and concentrated forces of more than 50,000, while the Japanese Marines in that area were not more than 4,000, thereby jeopardizing Japanese lives and interests there. Lieutenant Oyama, Company Commander of the special marine detachment of the Japanese Navy was wantonly shot to death by the Chinese Army. On August 15 Japan decided to send troops to Shanghai for the protection of lives and properties of her nationals. It was under such circumstances that the conflict in Middle China started. In other words, it was China that aggravated the incident and expanded its scope and magnitude. We will produce witnesses concerning these facts for the consideration of the Tribunal in determining the responsibility for these hostilities.

32. This further conflict with the Republic of China was designated as the China Incident and not as the China War. A state of belligerency was not declared nor recognized by either of the parties or in fact by any other Power. Actually Generalissimo Chiang Kai-Shek did not declare war upon Japan until the Pacific War broke out in 1941. This should appear, we presume, rather strange to the Occidental mind. The objective of this conflict on our part was to induce the Chinese leaders then in power to reconsider their stand against Japan, thus restoring to a natural and proper state the disturbed Sino-Japanese relations. It was, however, the attitude

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assumed by the Communist Party of China that actually gave rise to a decided anti-Japanese movement in the greater part of the Republic. Moreover, Generalissimo Chiang Kai-Shek had come to countenance various activities of the Communists ever since the Sian Incident in which his sensational kidnapping was successfully carried out. The Japanese Government regarded this new step on the part of the Generalissimo as a lamentable deviation more or less short-lived. At the inception, there was neither diplomatic rupture nor disrupted treaty relations between Japan and China. Members of the Chinese army who surrendered themselves to our hands were released and those nationals of the Republic of China residing in Japan at that time were not treated as enemy persons but were allowed to pursue their own occupations unmolested. One of our aims in not declaring war with the Chinese Republic was not to restrict the rights and interests of the third powers by the applications of rules of war. Nevertheless the hostilities, against Japan's desire, spread far and wide. Consequently it became quite unavoidable that those nationals of neutral Powers who happened to be in the Japanese occupied territories should suffer therefrom to some extent. Hence the conclusion of an agreement known as the Arita-Craigie Agreement between Japan and the United Kingdom.

33. Had there been waged a declared war the question of application of the Nine-Power Treaty to the situation would never have been raised, for treaties would cease to be in force automatically or at least be suspended during hostilities so far as China and Japan were concerned. As a matter of fact, however, declaration of war was not resorted to by the Republic of China or by the Empire of

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Japan, thus leading to an anomalous situation wherein the question of application of the said treaty became an issue.

There had occurred in the Orient five very extraordinary happenings within the period of fifteen years between 1922, when the Nine-Power Treaty was concluded, and 1937 when the China Incident broke out. The first of the five items is this: The Republic of China, after the conclusion of the Nine-Power Treaty, made it a national policy to oppose Japan and insult her in every way possible, and illegal boycott of Japanese goods was resorted to generally. China went so far as compiling text books for her public schools so that anti-Japanese sentiments were widely disseminated among the younger generation.

The second is: The Communistic Internationale which determined its new strategy against Japan during those years, and the Communist Party of China which acted in conformity with the directives of the former; also the acquiescence of the Chiang Kai-Shek regime in the latter's behavior.

The third is: The resolution to reduce Chinese forces adopted at the Washington Conference was not only not carried out but, on the contrary, war lords and military cliques in China raised and maintained huge bodies of troops many times greater than those existing before. Besides, they made extensive preparations for war with Japan by importing modern arms and implements of war in large quan

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The fifth is: The world economy since the conclusion of the Nine Power Treaty was seen to veer from economic international ism to national protectionism.

The Nine-Power Treaty is, it must be noted, a treaty without a provision as to expiration. What kind of tales these five happenings tell will be clarified later; evidence to be presented in due course will speak for itself. Here it must be stated, however, that under these circumstances the Nine-Power Treaty had become so unrealistic that its strict application to the situatic was impossible. Hostilities were going on, though neither China nor Japan declared war upon the other. In the territory of the Republic of China, whether it was under Japanese occupation or no to carry out the provisions of the said treaty to its very letter was practically impossible. The defense contends that failure strictly to adhere to the treaty in these given circumstances does not necessarily constitute a crime and upon that thesis the defense will prove that the five points above stated indisputably so altered the situations contemplated by the said treaty as to render its effective application nugatory.

34. The Prosecution has made it a point to charge the accus as being responsible for economic aggression. The defense will show that there had been no economic aggression in China. Furth more, we submit that an aggression in the economic sense does no constitute a crime.

35. Now about the assertion of the Prosecution concerning narcotic drugs. The prosecution avers that Japan caused an influ of narcotics into China and by this means wanted to crush the war efforts of the Chinese on the one hand and on the other turn the proceeds from the sales of the drug into its war chest.

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tities.

The fourth is: The National power of the U.S.S.R. was expanded tremendously since then. The Union of Soviet Socialist Republics not being a party to the Nine-Power Treaty and never under the commitment of the said treaty, made its pressure felt along the entire Sino-Soviet boundaries extending not less than 3,000 miles. In fact, a very wide area comprising Outer Mongolia was under the influence of the U.S.S.R. although China still claimed sovereignty.

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We invite the attention of the Tribunal to the fact that here in Japan we have had special experience in the gradual reduction of opium eaters in Formosa. In Formosa a government monopoly and control of the said drug was set up throughout the years when the island was under our jurisdiction and Japan by such policy put an end to illicit traffic in opium and through these means reduced by degrees the number of addicts.

Japan, wherever possible, applied this policy to China where the use of drugs is an ancient and widespread custom principally due to the traffic engaged in by the Western Powers. Concrete facts and figures in this connection will be given as well as to show that proceeds from the sale of opium in China were not utilized by Japan as part of war expenditures. Finally, let it be said that the accused had no connection whatsoever with such matter

36. Atrocities perpetrated by some Japanese troops in several parts of China, while admittedly most regrettable, are believed to be unduly magnified and in some degree fabricated. We shall endeavor to clarify this matter by showing the true condition. The Japanese government and the responsible commanders made it a policy to prevent such occurrences and where such deplorable facts came to their knowledge, to mete out due punishment to the perpetrators of the crimes. Maintenance of friendly relations with the Chinese people was and still is one of the salient principles of our national policy. It is quite unthinkable that the accused, some of whom were holding key positions in the Tokyo government or entrusted with important expeditionary forces abroad should lightly commit or disregard such misconduct. These charges laid upon some of the accused are, we believe, without foundation and we shall leave no stone unturned to prove that none of the accused ever ordered, authorized or permitted such acts or deliberately and recklessly disregarded his legal duty in this connection.

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37. As to the matters related to the Soviet Union, aside from the conspiracy counts the specific counts are 17, 25, 26, 35, 36, 51 and 52. That these accusations are beyond the pale of this Tribunal has been already pointed out heretofore. Especially the Changkufeng and the Nomonhan Incidents are closed issues between the Powers concerned. This is clear beyond peradventure of doubt by the conclusion of the treaty of neutrality between Japan and the USSR in April 1941. Both the Changkufeng Affair and the Nomonhan Incident resulted from ambiguities concerning the boundaries between Manchuria and the USSR. Needless to say these border incidents do not fall in the category of an aggressive war. The frontiers between Manchukuo and the Soviet Union once defined, the outstanding differences were settled then and there. That the boundaries Japan defended were ultimately right can be verified by the evidence which we shall present. It may be added here that these disputes had no relation to the policy of the Tokyo Government or the plans of the Kwantung Army. True circumstances of our despatch of troops on these two occasions will surely demonstrate that Japan had no intention of waging war against the USSR. We shall also show that the Japanese government followed and "absolute pacific policy" vis-a-vis Russia.

38. The prosecutors representing the Soviet Union endeavored to establish an aggressive intention on the part of Japan by displaying the 1941 annual program of the General Staff. But let it be remembered that the said program was hypothetical and was not to be put into execution unless the hypothetical war, for which the program was made, materialized. To our mind, any Power may devise such programs without arousing the suspicion of others. This is purely a matter all the fighting services of all nations are duty bound to do. Therefore, we can never conclude from the mere existence of such a program ominous intention by any government. As stated in my

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earlier remarks, military preparations in themselves will not prove the existence or non-existence of an aggressive intention unless they are compared with similar preparations of other Powers. We will prove that the USSR had a plan of operation in 1936 by which simultaneous attacks upon Germany and Japan were contemplated. After 1939 when the Nomonhan Incident occurred, the Soviet armed forces operating east of Lake Baikal were to be doubled over those maintained by us in Manchuria and Korea. The Prosecution also stressed the presence of Japanese reinforcements in Manchuria during 1941. Japan kept some forces in Manchuria after 1941. That is quite true. However, these forces were meant solely for our defense. In support of this assertion there will be no better evidence than the above stated reinforcement plans of the USSR coupled with the maneuvers by that army along the borders of Manchuria and the USSR during that period. Special mention should be here made that tremendous forces of the Soviet Union trespassed across the borders from the south of Hutung in the early part of August 1945 and actually invaded Manchuria. The decision for such an aggression was made as early as February 11,1945, at Yalta. This was clearly in violation of the neutrality treaty still in force between the USSR and Japan. That our defensive measures adopted at that time in Manchuria were justified will be conclusively shown.

39. We proceed to dividion V, the Pacific War, involving Counts 1, 4, 5, 7 and 16, Counts 20 to 24, inclusive, Counts 29 to 34 inclusive, Counts 37 to 43 inclusive, and Counts 53 to 55 inclusive. For more logical presentation the subject matter of some of the above counts will be treated separately later in greater detail.

40. There existed before the way close relations between the three Powers, Germany, Italy and Japan. This relationship was by no means made in anticipation of the Pacific War. We shall submit adequate evidence in order to prove this point. The seventh Congress of the Communist Internationale planned its primary destructive objectives against Germany and Japan and consequently they were obliged for their self-protection to cope with this situation. Especially for Japan, this was a really alarming development.

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Communism was engulfing our neighbor state, China, instigating political and social revolution. Assistance was extended from the Soviet Union in the shape of Russian technique of revolution as well as personal emissaries. These activities have been in progress ever since 1923 when Dr. Sun Yat-sen and M. Joffe issued a joint declaration expressing mutual sympathy between the two parties. This was an extremely dangerous situation for the well being of the Japanese Empire. Thus followed the joint defense against communism by Japan, first with Germany and then with Italy. The proposal of joint defense of China and Japan against communistic activities was enunciated in three principles by Mr. Hirota, Foreign Minister. These principles were included later in the Konoye statement in 1938. In defending against the menace of communism, since the interests of Germany and Japan were identical, the two Powers concluded an agreement on November 25,1936, known as the Anti-Comintern Pact. Needless to say, this Pact was not made in anticipation of the Pacific War. In Article 2, the Post stipulate that, "The High Contracting Parties will jointly invite third States whose internal peace is threatened by the subversive activities of the Communist Internationale to adopt defensive measures in the spirit of this agreement, or to take part in the present agreement." Again, the so-called secret understanding attached to this instrument never aimed at aggression against any third party. The understanding merely provides that the parties will not take such measures as may lighten the burden of the USSR if and when one of the parties should become the object of an unprovoked attack by it,and is entirely negative in nature. In 1939 negotiati were entered into in an attempt to strengthen the Anti-Cominter Pact, but they were abruptly ended by the unexpected conclusion o the German-Soviet non-aggression treaty. These negotiations did not have for their object an unfriendly attitude toward Great Britain and America.

The Tri-Partite Pact between Japan, Germany and Italy was given wide publicity, but its stipulations are quite simply. War between Japan and America was also never made its object.Rather

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it was the very avoidance of war between America and Japan that was contemplated in the agreement. The evidence will prove that there was no effective colaboration between Germany and Japan and Italy and will emphasize that Germany urged Japan to enter the war against Russia. This Japan refused to do.

Germany sought the assistance of Japan in their war against Britain. Japan refused to cooperate with Germany, but acted independently. Germany negotiated the Tri-Partite Pact to keep the United States out of the European war. This was not accomplis The evidence will show that General Marshall stated in his annual report to the President of the United States during the war that there was no military cooperation between the two countries.

41. Japan's planned economy and military and naval preparations prior to the fall of 1941 were defensive in nature and also not undertaken in anticipation of the Pacific War. Comparison of the British and American navies and their programs with that of Japan, as well as the study of the annual programs of the Japanese naval command, will conclusively disclose per se the latter's non-aggressive purpose. The Prosecution asserts that the Japanese Navy constructed in the mandated territories fortresses and established bases of operations in violation of the terms of the mandates and treaties. But this, too, we maintain is without foundation. A fortress must be provided with specific defensive facilities against attacks from land, sea and air, while a base of operations is incomplete unless it is equipped with supply facilities for providing the fleet in action. We shall show that what were installed actually were either communication facilities of peaceful nature or temporary establishments for naval maneuvers, all of which were permissible.

42. Much of the atrocities and cruelties alleged to have been committed by Japanese forces against prisoners of war did not come to the knowledge of many of these accused until they were disclosed in this Tribunal. Others had no authority to restrain the even though they were aware of the fact. Again, others did their best to restrain and punish the perpetrators of such crimes.

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Evidence will show that there was neither the opportunity nor avail able means to stop them before the crimes were committed. We shall submit evidence that no defendant ever formulated a common plan, o ordered, or authorized or permitted atrocities or deliberately and recklessly disregarded his legal duty to take steps to prevent observance of the laws and customs of war in this respect.

43. Coming now to the causes of the Pacific War itself, a situation inviting the closest and most impartial scrutiny, we sha prove that it ensued because of the supreme necessity of Japan to invoke the right of self-defense. With your permission, let us remind this Honorable Tribunal that since 1937 Japan was unwitting involved in large-scale hostilities tantamount to war with China, but which were treated by the world at large as being "short of war". We naturally expected that third Powers would recognize th peculiar situation. In fact, Great Britain did so in the joint declaration with the Japanese Government dated July 22, 1939, issued as a result of the Tientsin Incident and declared that His Majesty's Government fully recognized the actual situation in Chin where hostilities on a large scale are in progress. In what way the Washington Government regarded this situation we were not sure, but suddenly on July 26, 1939, notification of abrogation of the Treaty of Commerce and Navigation, a firm basis of the trade relations between the two countries since 1911 was received. Misunderstanding began to grow. From that time on the United States brou to bear upon Japan every kind of pressure and intimidation. The first was economic pressure. The second was the help extended to the Chiang Kai-shek regime with which Japan was in a life and deat struggle. The third was the progress of encirclement by the Unite States, Great Britain and the Dutch East Indies; in concert with China a ring was thrown and tightened by them around Japan. These three steps after 1939 were adopted one by one, their intensity increasing in vigor as time went on. A typical example of economic pressure thus brought to bear upon us Japanese will be recited here In December 1939 the moral embargo was extended in scope, and in

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addition, aircraft and its equipment and instruments and machinery for construction of aircraft and for refining gasoline were added to the prohibited list. During July 1940 the Washington Government put an embargo on scrap iron. Considering the system of iron production then prevailing in Japan, scrap iron was an item of crucial importance. A heavy blow was thus dealt to this key industry of Japan. In August of the same year, the United States further put restrictions on the export of gasoline for aviation purposes. Upon the whole, Japan's yearly need of oil was estimated at 5,000,000 tons, the very minimum required for the nation's subsistence including her national defense. Since its annual home production of this fuel was not more than 300,000 tons, this deficit had to be made good with imports from abroad. By this time, the only available source was the Dutch East Indies. Accordingly a mission headed by Mr. I. Kobayaski, Minister for Commerce and Industry, was sent there and later Ambassador Yoshizawa was ordered to continue the thread of negotiations with the Dutch East Indies authorities at Batavia. But all these efforts came to naught, because the leaders of the Dutch Indies were working in close concert with America and Great Britain. The same kind of obstacles were also interposed by the authorities of French Indo-China and Siam and our normal and necessary imports of rice and rubber were thus hampered.

Now about the second point, assistance extended to the Chiang Kai-shek regime. The United States granted on November 20, 1940, an additional loan of $50,000,000 to the Chungking Government, apparently in retaliation for the treaty between Japan and the Wang Ching-Wei regime which was concluded the same day. Moreover, the United States authorities made it known that a further sum of $50,000,000 was contemplated, to be offered for use in stabilizing Fapi, the Chinese currency. Following this step, the London government also made it known that a grant of L1,000,000 would be forthcoming. These are but a few of the examples, to say nothing of the continuous supply of materials to Chungking by the London government

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As soon as the rainy season came to a close that year, Great Brita reopened the Burma Road to traffic and directly forwarded arms an munitions to the Chiang regime. In addition, the French Indo-Chi route was being utilized by the other nations as a line of supply to the Chungking government. In 1941 application of the Lend Lea Act was extended to China. We shall produce direct evidence of these facts.

Here we come to the third point - an iron ring of encirclemen thrown around Japan by the several powers. In December 1940, the flower of the American Pacific Fleet was concentrated in the Hawaiian waters, constituting a demonstration against Japan. The British government on November 13 of the same year established at Singapore the headquarters of the Far Eastern Command, all of Mala and Burma as well as Hongkong coming within its orbit. That gover ment also began to undertake a formidable military expansion, a system of organizing British possessions in East Asia into a close unit with Australia and New Zealand. Conferences participated in by representatives of America, Great Britain, the Dutch East Indie and the Chiang Kai-shek regime took place in rapid succession duri those days. A parley in Manila, held in April 1941 among the British Commander-in-Chief in the Far East, the United States High Commissioner in the Philippines, the United States Commander-in-Chief of the Asiatic Fleet and the Dutch Foreign Minister attracted our attention. Further, military councils were held between the delegates of Great Britain and Generalissimo Chiang Kai-Shek at Singapore about the middle of June. Particulars of these parleys will be disclosed by evidence.

Reacting to these numerous manifestations, the government of Japan hastened to take steps in order to avoid the imminent calami-ties. The Ambassador of Japan at Washington was requested since the spring of that year to do his best so that the deplorable tension might be ended and relations between America and Japan smoothed out. Parleys between the United States Chief Executive and the Japanese Ambassador, negotiations between the Secretary of

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State and the Japanese Ambassador were incessantly held, these sessions reaching several score in number. The Tokyo government exerted every effort in order to effect a peaceful solution of all outstanding differences. The Japanese Premier offered to meet and negotiate directly with the Chief Executive of the United States somewhere in the midst of the Pacific in an attempt to settle the matter peacefully once and for all. Another envoy was dispatched to Washington to this end. A ministerial change en bloc was untertaken in the middle of July to carry through successfully the Japan-America negotiations, this being the last final step that an independent sovereign state could take for the purpose of diplomacy. However, all of these efforts were of no avail. On July 25, 1941, the government at Washington took steps to freeze all our assets within the United States. This resulted from a misconstruction of Japan's peaceful sending of troops to French Indo-China. Britain and Dutch East Indies also followed suit immediately, although at the time treaties of commerce and navigation were still in force between Japan and Great Britain and the Netherlands, so that the freezing of Japan's assets by Great Britain and the Netherlands was in violation of those treaties.

With your permission, let us again remind this Honorable Tribunal that Japan was quite unable to keep its population alive by the products raised within the Empire alone. Japan hand to obtain necessary commodities by foreign trade. By the freezing of assets by the United States, Britain and the Dutch East Indies, more than half of Japan's foreign trade disappeared and the toil of eighty year's standing was wiped out. These were the results of the foregoing steps legally of illegally taken by America, Great Britain and the Netherlands. The inalienable right to live was deprived from the Japanese people. Just about that time, America at last put an embargo upon oil by the executive order issued on August 1st making good the veiled notification given to Ambassador Nomura on July 24th. Japan's navy was thus to lose mobility after her oil in stock was exhausted; solution of the China Incident was made prac-

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tically impossible; Japan's defense was emasculated. Hereupon the start question of self-defense presented itself before the whole nation as a cold and hard fact. This demanded immediate solution.

In short, fundamental factors justifying the exercise of the right of self-defense were entirely complete by that time. Notwithstanding, Japan did not exercise this right at that time. On the contrary, it was still willing to bear the unbearable, endeavoring to the utmost to eliminate somehow factors that might lead to casus belli. Its strenuous efforts to this end will be fully proved by evidence, at once strong and convincing.

Japan's will to peace, Japan's sincere efforts to attain peaceful settlement did not bear fruit. America's note on November 26, 1941, made it finally crystal clear that not one single factor contributing to a casus belli could be settled by pacific means. Thereupon, the Japanese government, after threshing out the opinion and observations of its various departments and after the utmost care and deliberation, was forced at last to resolve upon recourse to the right of self-defense. This was on December 1. However, even after the actual date on which the use of this right was decided upon, the war order issued contained an explicit proviso canceling all naval and military operations if a compromise should be effected between Japan and the United States. In that case, the combined fleet was to come back to home waters.

44. The prosecution is of the opinion that Japan was defective in communicating her intention to fight and that this must constitute a crime. The defense maintains the following facts. In the first place, due explanation will be developed concerning the time in which the Japanese note was handed to the United States together with particulars about this diplomatic procedure. On December 6, 1941, Washington time, the Japanese Foreign Ministry sent a dispatch to the Japanese Ambassador at Washington intimating that a note in English to be addressed to the State Department was ready.

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Though the time in which the note in question was to be presented would be some time thereafter, they should be careful in the preparation of the document and be always in readiness to handle any matters in this connection, the dispatch instructed. All these telegrams were intercepted by the United States. Now that note comprised fourteen parts in all. Our Embassy at Washington was in receipt of thirteen parts on the evening of December 6. The United States intercepted that part of the dispatch by 9:30 PM, December 6, and the President gave them personal perusal. The last part was also intercepted on December 7. About the time when the said part was received, another dispatch arrived at the Embassy indicating the time at which the important note should be delivered; that time was one o'clock in the afternoon of the same day. Whereupon Ambassador Nomura hastened to make an engagement with the Secretary of State, Mr. Cordell Hull, to meet him at one o'clock PM. Had the note been delivered as was intended at one o'clock PM December 7, 1941, the delivery would have preceded the attack at Pearl Harbor, which took place at 25 minutes past 1:00 PM, Washington time. But the Embassy's deciphering and typing took so much time that, as the prosecution pointed out, Ambassador Nomura was unable to arrive at the State Department until 2:00 PM and handed the note at 2:20 PM. If the Ambassador could have delivered the note on his arrival at the State Department, the time of delivery would have been 35 minutes after the attack at Pearl Harbor, but as the Ambassador was kept waiting for 20 minutes, the delivery of the note was 55 minutes behind time.

As the Tokyo Government had sent the greater part of the dispatch the night before, and the remaining part was sent so as to be received early in the morning in order that the note should safely be delivered prior to 1:00 PM December 7th, that is, before the commencement of military operations, and if the routine business of the Embassy had gone smoothly, notification would have

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been made as was anticipated, some time before the attack. But owing to circumstances beyond the control of Tokyo, the delivery of the note was delayed as above stated. These facts the defense will prove in due course.

45. Besides, we shall also try to prove the following fact with a view to providing this Honorable Tribunal with materials which we hope will be useful for its decision - whether the attack on Pearl Harbor was a surprise attack or not. The State Department authorities considered Japan's note to the United States dated November 20, 1941, as the last one and after November 26, the whole matter was thrown into the lap of the fighting services. On the morning of November 27, 1941, the highest official of the State Department stated that the matter of relations with Japan was in the hands of the Army and Navy. On the same day the Chief of Naval Operations and the Chief of Staff sent war warnings to the forces in Hawaii.

As previously stated, the American authorities deciphered the Japanese note, excepting the last part, by the evening of December 6 and this last part was deciphered December 7th early the morning, the Presfdent being in receipt of it at about 10 o'clock AM the same day.

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The United States Departments of War and Navy were both in possession of intelligence suggesting that diplomatic rupture was at hand, and by conjecture that an imminent attack was to be anticipated. The Hawaiian Department was also in possession of an instruction that the policy to induce Japan to commit the first overt act should not be construed as restricting the Department to a course of action that might jeopardize its defense. Also it was directed to undertake reconnaissance prior to Japanese hostile action. No wonder that between 6:33 and 6:55 a.m. December 7 (Hawaiian time) the U.S. Navy shot and sank a Japanese midget submarine in the contiguous waters. We are adducing the above facts in order to show that the Pearl Harbor attack at 7:55 a.m. on December 7 (Hawaiian time) did not come as a surprise attack.

46. It is contended by the prosecution that the Japanese note in question does not amount to a declaration of war with the reasons assigned as stipulated in Article I of the Hague Convention III. In interpreting a document, circumstances giving rise to it must be weighed carefully to say nothing of its letter. Moreover, a document of this nature must always be studied as a whole, and not judged only by its wording and sentences. In the political atmosphere prevailing at that time, some of the responsible American authorities observed, as was stated before, that after November 26th matters were put into the hands of the fighting services. The Japanese note is a diplomatic document of considerable length consisting of not less than 2,400 words, which must be treated as a whole. We find in the Japanese note the following passages criticizing the American stand toward Japan and making it clear that there was no means left for Japan but to resort to arms. After confessing the difficulty the Japanese Government experienced in understanding the American attitude, the note observes: (I) "The peace of the world may be brought about only by discovering a mutually acceptable formula through recognition of the reality of the situation and mutual appreciation of one another's position. An attitude such as ignores realities and

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imposes one's selfish views upon others will scarcely serve the purpose of facilitating the consummation of negotiations."

(II)"The American Government, obsessed with its own views and opinions, may be said to be scheming for the extension of the War."

(III) ""Where as the American Government, under the principles it rigidly upholds, objects to settling international issues through military pressure, it is exercising in conjunction with Great Britain and other nations pressure by economic powers. Recourse to such pressure as a means of dealing with international relations should be condemned as it is at times more inhuman than military pressure." (IV) All the items demanded of Japan by the American Government....ignore the actual conditions of China, and are calculated to destroy Japan's position as the stabilizing factor in East Asia. This demand of the American Government, falling as it does in line with its above mentioned refusal to cease from aiding the Chunking Regime, demonstrate clearly the intention of the American government to obstruct the restoration of normal relations between Japan and China and the return of peace to East Asia."

Briefly, the above parts of the note make plain the position of the Japanese Government, being deprived of the hope of further negotiation, was forced to have recourse to the last final step for the very sake of its self-defense. On the evening of December 6, 1941 even upon reading thirteen parts of the Japanese note the President said: "This means war."

At the end of the note it was pointed out that "the earnest hope of the Japanese Government to adjust Japanese-American relations and to preserve and promote the peace of the Pacific through cooperation with the American Government has finally been lost. The Japanese Government regrets to have to notify hereby the American Government that in view of the attitude of the American Government, it cannot but consider that it is impossible to reach an agreement through further negotiations". This was tantamount to severance of diplomatic relations and in the light of the tense

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situation then existing in unmistakable notification of Japan's intention of commencing war.

47. Because of necessary limitations, only some of the most important issues have been touched upon in my present statement. There still remain numerous others but these have been deferred for treatment in the opening statements to be made later at the inception of several divisions of the defense case as I have previously outlined.

Mr. President and members of this Tribunal: I hereby beg your permission to express my sentiment of profound thanks for the generosity and patience with which you have given a fair hearing to the lengthy remarks I have made on behalf of the accused. We shall now go forward and present evidence of importance in great abundance. It is our firm belief that it will be worthy of your esteemed credence and consideration.

Truth we all here seek is not a matter of proving that one party is entirely right and the other absolutely wrong. Truth in the human sense often envelopes itself with human frailties, but we must plumb, even though painfully, but with impartiality, the deeper causes that prompt modern global wars. The way to peace must be directed to the vices underlying the present world. Whether the tragedy of modern wars might be due to racial prejudice or unequal distribution of natural resources or mere misunderstanding between governments or to the cupidity and covetousness of the favored or the less happy peoples, the cause must be ferreted out in the interests of humanity.

By finding the true and deeper cause or causes of this war and incidents during the period indicated by the prosecution, the guilt or innocence of the accused can be fairly determined, serving at the same time to guide the present and future generations in the direction and endeavor for a lasting world peace.

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OPENING STATEMENT OF

DIVISION I

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OPENING STATEMENT OF DIVISION I

Division I of the Defense Case will produce evidence of a general nature showing that under the existing state of international law the charges in the Indictment must fall; that there was no conspiracy of the accused inter se, precluding any finding of guilt for the acts and conduct of these accused on the conspiracy counts and that Japan's domestic conditions, coupled with encirclement by the World Powers, forced her as a last resort to fight for her very existence.

This evidence will be presented in five parts:

I. Evidence of basic documents relating to the surrender, the creation of the Tribunal, treaties and the constitutional laws and regulations of Japan.

II. Evidence of the acts and declarations of other nations regarding treaties as creating international law; absence of individual responsibility; diplomatic immunity and nature of crimes charged.

III. Evidence of lack of conspiracy of the accused inter se including the Greater East Asia Co-Prosperity Sphere.

IV. Evidence of the national economy of Japan and the encirclement of Japan by the World Powers in the Pacific and Asia.

V. Evidence of the Japanese domestic conditions from educational, anti-communistic and propaganda standpoints.

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The type of evidence and its subject matter to be produced in support of each of these five parts is as follows:

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I. EVIDENCE OF BASIC DOCUMENTS RELATING TO THE SURRENDER, THE CREATION OF THE TRIBUNAL, TREATIES AND THE CONSTITUTION, LAWS AND REGULATIONS OF JAPAN.

We will read from treaties and basic documents relating to the surrender, the creation and jurisdiction of the Tribunal; treaties which the accused are charged with violating and the Japanese constitution, laws and regulations which the Prosecution introduced into evidence but did not read into the transcript. In addition, the Defense will present additional treaties and other basic documents.

These treaties, conventions and assurances will make clear in part Japan's position; how and why various actions and countermeasures were taken by her in past years and why she failed to act at times, explaining her position and the position of powerful countries in the family of nations. Her special interests in China and Manchuria will be shown to have been recognized and accepted by World Powers for many years.

The interests she was legally charged with protecting, the steps taken on her behalf by some to defend those interests, the misinterpretation of her intentions by some nations, and the recognition of her accomplishments by many nations will be portrayed.

It will be demonstrated that with respect to Manchuria and China, national policies were formed after, not before, the occurrence of those military incidents. Succeeding governments were thus forced to accept conditions as they found them and attempts were made to localize these incidents.

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II. EVIDENCE OF THE ACTS AND DECLARATIONS OF OTHER NATIONS REGARDING TREATIES AS CREATING INTERNATIONAL LAW; ABSENCE OF INDIVIDUAL RESPONSIBILITY: DIPLOMATIC IMMUNITY AND NATURE OF CRIMES CHARGED.

It will be shown that by their own acts and declarations, some of the prosecuting nations are estopped from endeavoring to enforce the terms and conditions of various treaties which they themselves have broken and disregarded. For example, evidence will be produced among others of Russian aggression against Finland, Russian expulsion from the League of Nations, Russian aggression against the Baltic States: Russian aggression against Manchuria and British-Russian occupation of Iran.

Evidence of official statements by representatives of various nations and minutes of committee meetings will be presented to dispel doubts as to the meaning and intentions of the powers concerning the effect and interpretation of certain treaties; their reasons and decisions set forth why certain provisions were adopted and others rejected in consonance with international law.

It will be further shown from the acts and statements of representatives of various prosecuting nations that there never was any intention or agreement among the powers to create individual responsibility for treaty violations or provide any individual punishment therefore. This will be shown by the Bucharest Articles which were carefully prepared but never adopted. The same prohibitions were demonstrated in the Submarine Warfare Treaty of 1922 and in the conference and

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committee meetings incidental to the Versailles Treaty and by the Hague Convention IV, Article III, Chapter II.

It will be further shown that from time immemorial it has always been contemplated by nations that immunity be granted diplomats as evidenced by the Treaty of Aix-la-Chapelle, Treaty of Vienna and the Treaty of Westphalia.

Statements of representatives of various governments will be presented to assist the Tribunal on matters concerning the nature of the various alleged crimes charged in the Indictment. Especially that killing in warfare does not and never has constituted murder, whatever the circumstances of its inception. Examples and analogies will be presented in terse form in suppor of this. Evidence will be presented with respect to the Panay and Ladybird Incidents to demonstrate that nations contemplated indemnification as the remedy for alleged breaches of treaties and not individual responsibility to be judged by other nations.

It will be shown that attempts to define aggressive war at the Conference of 1933 were unsuccessful.

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III. EVIDENCE OF LACK OF COMMON CONSPIRACY OF THE ACCUSED INTER SE INCLUDING THE GREATER EAST ASIA CO-PROSPERITY SPHERE.

The Prosecution's charge that these accused conspired to initiate, plan and wage aggressive wars; to murder and to mistreat prisoners of war and civilians will be disproven by irrefutable evidence. Further evidence on this, of necessity, will be offered throughout the trial.

The evidence to be presented will conclusively establish that the situation in Japan was entirely different than in Germany. Judicial notice will be asked to be taken of the fact that there Hitler and his small group of followers started in 1919 and first using the 25 points of the German Labor Party and later in 1925 using "Mein Kampf" as their Bible, with a definite plan in view unaltered throughout, overcame all opposition until they seized control of the government of Germany and continued in power as its government until the termination of the war.

The expressed program of Hitler and his cohorts was adjudged to be ominous including among other points an anti-Jewish provision, planned territorial expansion and premeditated disregard of treaties. It will be shown that no such provisions or ones even remotely resembling those were ever a national policy conspired or planned by these accused. Hitler was the dominating factor throughout the conspiracy. Such a personage is absent here. Throughout, he had a close group of arch co-conspirators. Such was not the case here. It will be shown

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that instead of a common conspiracy in Japan, the converse is true. The military were divided; the Army opposed the Navy; the diplomats disagreed with the Army and Navy; the Cabinets were divided and fell with great frequency; the Diet was independent of Governmental policies or influence of the military; military and non-military governmental officials often violently disagreed with one another and some stayed in office whenever possible to fight with vigor for what they thought was right even though their opinions did not always prevail - the latter a commendable deed, and lauded by representatives of the prosecuting powers. It will be shown that these accused were never close enough to one another in time of holding office to form or continue any common plan or conspiracy for the purpose of expanding the power of Japan by aggressive war. Internal dissension in Japan precluded the formation or execution of any common conspiracy or plan as charged.

Furthermore it will be shown that the composition of the cabinets of the government of Japan was a continuously changing constituency. Since 1928, fifteen different cabinets rose and fell in Japan. Cabinets fell because of crises brought about by various events and differences of opinion between some of these very accused and between them and other officials. No two cabinets fell because of identical reasons.

Many of them fell because of purely domestic reasons, unrelated to any international situation. Among the reasons for their termination are the following: The TANAKA Cabinet fell on July 1, 1929 because of internal dissension in the cabinet. The HAMAGUCHI Cabinet's fall on April 13, 1931 was due to the

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illness of the Prime Minister. The 2nd WAKATSUKI Cabinet fell on December 12, 1931 because of a difference of opinion between WAKATSUKI and ADACHI, Minister of Home Affairs, with regard to whether or not the Cabinet should be a coalition form of government. The INUKAI Cabinet fell on May 25, 1932 when INUKAI was assassinated by some young officers over a domestic politic issue. The SAITO Cabinet fell on July 7, 1934 because of a public scandal which compromised some of the ministers and high officers of the government. The OKADA Cabinet's fall on March 8, 1936 was the result of the February 26th Incident. The fall of the HIROTA Cabinet on February 1, 1937 was occasioned by a difference of opinion between HIROTA and TERAUCHI, Minister of War, on the issue of whether the House of Representatives should be dissolved. The HAYASHI Cabinet fell on June 3, 1937 when HAYASHI dissolved the Diet. The new Diet which was elected was opposed to HAYASHI's domestic policies. The 1st KONOYE Cabinet fell on January 4th, 1939 due to a difference of opinion among Cabinet members with regard to the anti-Comintern Pact. The HIRANUMA Cabinet's fall on August 29th, 1939 was due to internal dissension and the sudden and unexpected conclusion of the non-aggression pact between Germany and Russia. The ABE Cabinet fell on January 15, 1940 because of the domestic price commodity policy and the question of whether or not the Trade Ministry should be established. The YONAI Cabinet fell on July 21, 1940 because of differences of opinion concerning the formation of a new political party. The 2nd KONOYE Cabinet fall on July 17, 1941 was brought about by KONOYE's difference of opinio

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With MATSUOKA, Minister of Foreign Affairs, as to foreign negotiations. The 3rd KONOYE Cabinet fell on October 16, 1941 because of KONOYE's differences with TOJO with respect to American policy. The TOJO Cabinet fell on July 17, 1944 because of the trend of the war. The KOISO Cabinet's fall on April 7, 1945 was due to a difference of opinion with the Army. The SUZUKI Cabinet's fall on August 16, 1945 came upon the completion of its duty in connection with the surrender. The HIGASHIKUNI Cabinet fell on October 6, 1945 because of post war conditions.

Unlike Hitler, no one in Japan was in a continuous position of control in these cabinets or in the military during the period of time covered in the Indictment. In three of these cabinets -- the TANAKA Cabinet April 20, 1927 to July 1, 1929; the HAMAGUCHI Cabinet, July 2, 1929 to April 14, 1931 and the HAYASHI Cabinet, February 2, 1937 to June 3, 1937 -- not one of the accused was in a position to control, lead or direct any conspiracy as not one of them was even a member of these cabinets, nor was any of them Chief of the Army General Staff or Navy General Staff during those times.

That there could not have been a continuing common conspiracy to initiate or wage aggressive war will be shown by the fact that not one of the accused was a member of any two of the cabinets which were in office at the time of the outbreak of the Manchurian Incident in September, 1931, the commencement of the China Affair in July, 1937, and the outbreak of the Pacific War in December, 1941. Only one accused was in the cabinet at the time of the commencement of the Manchurian Incident and none was Chief of the Army or Navy General Staff. Only two were in the cabinet at the time of commencement of the China Incident and none was Chief

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of the Army or Navy General Staff. Only four were in the cabinet at the time of Pearl Harbor and the Chief of Naval General Staff was a former accused. The evidence will show that the alleged conspiracy had no core due to the absence of a leader who would necessarily appear in a position of dominant control in at least two out of these three significant and important periods of time - that situation is absent. During the entire period of time covered in the Indictment the national policy constantly changed, thus disproving a common continuous conspiracy.

Furthermore, it will be significantly demonstrated by evidence that with respect to the charge of conspiracy to plan aggressive wars, where ample time is necessary to make preparations, none of the accused was in the HAMAGUCHI Cabinet which fell five months before the commencement of the Manchurian Incident nor was any of them Chief of the Army or Navy General Staffs during the time of that cabinet. Likewise none of the accused was in the HAYASHI Cabinet which fell one month before the commencement of the China Incident nor was any of them Chief of the Army or Navy General Staff during that time. And only one of the accused was in the 3rd KONOYE Cabinet which fell less than two months before the commencement of the Pacific War, and a former accused was Chief of Naval General Staff during that time.

There was an absence of any agreement whatsoever among the accused oven remotely pointing to any common plan or conspiracy. The evidence will show that true to sound principles of constitutional government, there was no planning, scheming

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or plotting to propose a new Prime Minister who would further any such common plan or conspiracy as is charged, or any other common conspiracy at all. The reasons why these Cabinets fell and new ones rose will definitely establish that no such common conspiracy among these accused existed.

The evidence will further show that among the accused during the period charged in the Indictment there was never any single group of them in a position of power and influence over any extended period of time. The absence of such a group holding important political offices or military posts of control prevented any cooperation to carry out any plan or plans for any common conspiracy or purpose as charged in the Indictment during the terms of office held by these accused.

Individually it will be shown that they acted in no way different than would be expected or normally anticipated of the officials of any other country under similar circumstances. Evidence will be produced to show that the Prosecution by the use of certain labels has magnified, distorted and misconstrued the true meaning and intent of the innocuous phrases - New Order in East Asia, Hakko Ichiu and Greater East Asia Co-Prosperity Sphere. It will be shown, contrary to the Prosecution contention, that these phrases had no malicious or criminal implication and did not contemplate military aggression; that they are just as innocent and innocuous as the phrases or implications contained within the "Good Neighbor Policy" and Wendell Wilkie's "One World."

The Prosecution's charge that all these accused and others

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were part and parcel of a common plan or conspiracy to cause cabinets to fall and prevent cabinets from being formed is contrary to the facts. Its contention is based on the assumption that the accused conspired to and used the Imperial Ordinanc of 1905, as amended in 1912, and the Imperial Ordinance of 1936 for this purpose.

Military influence for individual rather than political reasons occasionally played a part in the selection of a new Prime Minister, but it was not pursuant to any organized commo plan or conspiracy by these accused. It will be shown with respect to this there never was, or could be any such a common conspiracy among all these accused, due in part to the fact they held different offices at various periods of time. Some at various times expressed different ideas on this controversial issue and some were not in positions to act either affirmatively or negatively on the choice of a Prime Minister, and most of them had no voice in the selection.

The evidence showing lack of conspiracy will be presented from charts, various speeches made by some of the accused and others at the time of the fall of the cabinets; by evidence of prominent Japanese statesmen; by governmental proceedings; by unimpeachable records; by publications; diary entries; speakers of the House of Representatives; interrogations of the accused; newspaper reports and proceedings of the Liaison Council and Imperial Conferences.

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IV. EVIDENCE OF THE NATIONAL ECONOMY OF JAPAN AND THE ENCIRCLEMENT OF JAPN BY THE WORLD POWERS IN THE PACIFIC AND ASIA.

We will also demonstrate in a conclusive way that there was no economic preparation by Japan for any wars in Manchuria, China, against the Soviet Union, nor in the Pacific. In the last few months before December, 1941 when it became apparent that the Pacific War was probable and later inevitable, defensive measures were taken. The economy of Japan, being an economy of scarcity, perhaps in its totality and to a greater extent than many other countries, the true economic condition will be shown by impartial studies and reports. The economic condition of various basic industries such as shipping, coal, food, textiles, rubber, oil, electricity, etc. will be offered to demonstrate positively that there was no economic preparation for war or any conspiracy in regard thereto. The enactment in 1932 of a Capital Flight Prevention Law and in 1933 of Foreign Exchange Control Legislation were natural phenomena forced on Japan by the world wide depression and dislocation of foreign trade which was particularly acute in Japan because of progressively higher tariff walls and other trade barriers erected against her throughout most of the world.

Moreover, we will show that between 1928 and 1935 the vast majority of the trading nations of the world enacted identical or similar legislation and that such legislation as Japan enacted had no relation whatsoever to preparations by Japan for war. Japan, being a nation which must import in large quantities in order to live, was particularly injured in her foreign trade by

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the Ottawa Conference decision of 1932 to grant "Empire preference" in tariff treatment, a decision which was roundly condemned by the United States and practically every trading nation in the world outside of the United Kingdom. The evidence relating to the economics of Japan including Korea, will show persuasively the absence of any manipulation, regimentation or control for any such purpose as is alleged by the Prosecution. We will show that prior to the Pacific War, 80% of the foreign trade of Japan was conducted with the United Kingdom, Netherlands and the United States. From this the Tribunal will be able to gauge the terrific impact of the embargo and freezing regulations of the ABCD bloc upon the economy of Japan particularly with respect to the imminent threat it offered in attempting to force a capitulation in China.

The evidence will indicate the economic encirclement to which Japan was subjected. The situation in Japan and the disastrous result of such restrictions and sanctions on Japanese economy will be shown. The evidence will further point to the lack of any economic aggression preparatory to waging any alleged aggressive wars by these accused or any conspiracy by them in regard thereto. It will also be shown by maps and charts how Japan had been gradually encircled economically and territorially by world powers leading up to a critical situation.

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V. EVIDENCE OF THE JAPANESE DOMESTIC CONDITIONS FROM EDUCATIONAL, ANTI-COMMUNISTIC AND PROPAGANDA STANDPOINT.

Evidence will be introduced to show that the Prosecution has exaggerated the importance of military education in the Japanese school system. Military education as practiced in Japan was less objectionable than that of other prosecuting nations. This evidence will be presented in the form of curricula, statements and testimony.

It will be shown that there was no common conspiracy among these accused to prepare the children of Japan for alleged aggressive wars by training, drills, maneuvers or exercises, using the school system as a nefarious vehicle. There were no textbooks devised or used for such purposes. Teachers and educators were never indoctrinated with any militaristic or ultra-nationalistic philosophy or required to teach such ideas in support of any such alleged plan, scheme or common conspiracy. The evidence will further show that military education played only a minor part in the Japanese school system since 1902; that it was never intended to, nor did it dominate school life, or teachings of the children. Furthermore, it will be shown that in 1929 when the military budget of Japan was cut, and the size of the Army reduced, an election was offered to the students of military instruction in the schools or limited service in the Army after graduation.

It will be shown that even when Japan was engaged in hostilities with China, commencing in 1937, her universities were

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not turned into military schools as claimed, which has been the practice of other nations during times of war. There never was any common conspiracy among these accused to regiment the youth of Japan through the school system and to inculcate them with a spirit of totalitarianism or aggression.

The Peace Preservation Law was enacted and enforced for the purpose of combating the rightists and the menace of Communism. It will be shown that the effect of the three Russian 5 year plans, the resolutions of the 7th Conference of the Internationale in 1935, and the activities of the Communists in Japan caused real anxiety among the Japanese people and the government. The government was charged with the responsibility of maintaining law and order in Japan, and subversive activities of the Communists warranted the steps taken for their control. It was entirely unrelated to any alleged preparations for aggressive war.

These accused are charged with using, propaganda, censorship, press, radio and moving pictures for the purpose of furthering the alleged plan or conspiracy for aggressive war. It will be shown that no such use was made of these means of communications for such purposes during peace time and it will be further shown that during times of war the uses made of these means of communications were no different than those which could reasonably be expected to be used and were used by other countries during war times. This use was totally unrelated to any alleged common conspiracy among these accused.

It will be shown by witnesses, publications and official documents that there was no propaganda as charged by the

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Prosecution to bring about any wars or criminal acts. The evidence will show that there is no foundation for stamping these various measures taken by Japan and some of these accused in the normal operation of the government with the label of aggressive war. The enactment and execution of laws and measures were not for ulterior purposes as claimed but for sound and proper reasons and in the promotion of good government, unrelated to the charges in the Indictment.

With respect to the evidence to be presented in this division, as is pointed out in the general opening statement, individual accused may, in the presentation of their defenses, differ with certain items of evidence, the inferences to be drawn therefrom and their involvement therein.

Mr. George Yamaoka will now present the evidence of basic documents relating to the surrender, the creation of the Tribunal treaties and the constitutional laws and regulations of Japan.

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HEADQUARTERS
361ST STATION HOSPITAL
APO 1055

35

21 May 1946

SUBJECT: Examination of Yosuke Matsuoka.

TO : International Military Tribunal for the Far East.

1. Patient was admitted to the 361st Station Hospital from Sugamo Prison on 9th of May 1946 for examination. On admission patient was acutely ill with marked shortness of breath and nausea and vomiting. Physical examination at that time revealed physical findings of pulmonary disease with an enlarged heart and high blood pressure.

2. A urinalysis revealed sugar and albumin with a few R.B.C. and a low specific gravity. A blood chemistry revealed sugar of 286 mgms %; non protein nitrogen, 64 mgms %; total blood protein, 6.2 mgms % with an albumin globulin ratio of 0.81. Blood Wasserman and Kahn were negative. Electrocardiograph revealed findings typical of digitalis poisoning. X-Ray of the chest revealed a long standing tuberculous process with fibrosis, cavitation, and thickened pleura on the right. The left lung was essentially negative. Sputum examination revealed acid fast organisms.

3. Diagnosis: 1. Tuberculosis, pulmonary, re-infection type, far advanced, active, upper half of right lung with cavitation. 2. Nephritis, glomerular, sub-acute. 3. Hypertension, secondary to (2). 4. Diabetes mellitus, mild.

4. Patient is confined to bed. His prognosis is very poor, and it is believed that no improvement of his condition can be expected. His treatment here has consisted of diet, complete bed rest, and sedation.

/s/ELDEAN G. BETZ
Captain, MC
Chief Medical Service

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Medical Certificate.

No. 12

Patient: Shumei, OKAWA

(Born 6 December, 1886)

I have medically examined the above patient and diagnose his case as follows:

Disease: Progressive Paralyses.

N.B. No changes have been seen.

Akira HAYASHI, doctor, (Stamp).

Matsuzawa Metropolitan Hospital.

30 January, 1947

Medical Certificate.

No. 14

Patient: Shumei, OKAWA

(Born 6 December, 1886)

I have medically examined the above patient and diagnose his case as follows:

Disease: Progressive Paralyses.

N.B. Lying in bed with fever caused by slight bronchitis in these several days.

Akira HAYASHI, Doctor, (Stamp)

Matsuzawa Metropolitan Hospital.

5 February, 1947

PURL: http://www.legal-tools.org/doc/b6093e/

To : Sir William Webb, President of the International Military Tribunal of Far East.

From: Dr. Yushi Uchimura, Professor at the Department of Psychiatry, Faculty of Medicine, Tokyo Imperial University; Head of Tokyo Municipal Hospital at Matsuzawa.

Subject: Report of a Psychiatric Examination of OKAWA, Shumei.

Date : 23 February 1947.

On 11 May 1946 I presented a report of a medical examination of Mr. OKAWA, Shumei's mental condition at that time to Sir William Webb, President of the International Military Tribunal. Permission being given by the Tribunal that Mr. OKAWA be treated in the hospital attached to the Faculty of Medicine, Tokyo Imperial University, I admitted him since 11 June to the said hospital and applied the malaria therapy for general paralysis. As his condition eventually required a still quieter surrounding, I, as the physician in charge, requested the President of the Tribunal in a note dated 22 August to allow the transfer of Mr. OKAWA to the Tokyo Municipal Hospital at Matsuzawa. This request being complied with, Mr. OKAWA has been taken to the Matsuzawa Hospital since 26 August where treatment has been continued up to the present.

On 23 December of the same year the President of the Tribunal again issued the order that a medical examination be conducted with respect to the mental and physical condition of Mr. OKAWA. Having been asked by the defense counsel for Mr. OKAWA to examine him again, I am herewith presenting a report of his condition since 22 August 1946 together with my expert opinion as to the judgement to be formed from these data.

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Course of Illness

Condition in August:

On the whole the patient continues to show the same state of excitement as in the Tokyo Imperial University Hospital, wearing his clothes in disorder, entertaining strong delusions of grandeur and occasionally destroying the window of his room. Owing to the quiet surrounding, however, periods of non-irritability begin to appear intermittently and insomnity during the night has rapidly diminished.

Condition in September:

The patient shows a general tendency to quiet down. Emotional elation and irritability persist strong yet, and the patient emphatically asserts that he has been wrongly put in a mental hospital and that his abnormal speech and behavior since May were due to a state of religious trance in which he acted in that way so as not to forget the peculiar experiences he went through at that time. He goes on to claim that the drug which was administered to him for sedative purposes at the University Hospital was in reality cyankali, which, he says, was meant to kill him -- an idea that is definitely a delusion of persecution. Though we urge him to receive the antisyphilitic treatment in order to reenforce the effects of the fever therapy conducted at the University Hospital, he obstinately refuses it saying that for that matter, he had better be sent to a hospital specializing in venereal diseases.

Condition in October:

Daily behavior is markedly quieter, there being no disordered conduct, much less acts of violence. From time to time, however, the patient still cooly utters such nonsense as his height having

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grown taller by 2 inches and refuses to admit that his condition at the onset of the illness while staying at Sugamo Prison was pathological.

"While reading the sutras of Kannon at Sugamo", says he, "I received the inspiration that I should unify world religions. I am convinced that Buddhism and Christianity are after all one and the same thing". "At that time", he further goes on to claim, "I was more clear-headed than ever before, being able to make poetry and write elegent prose at will. Thoughts gushed forth so rapidly that I could hardly keep up with them and write them all down. It was all in all a state of religious ecstacy."

Eventually the patient begins to spend his daytime reading and writing, and by the end of the month brings to completion a manuscript of about 400 to 500 pages entitled "Introduction to Religion" The theme of this book concerns the unification of religions and its content consists of a simply written account of the characteristics of different kinds of religion. As far as I understand it, it appears to be an easy and enlightening work worthy of Mr. OKAWA's culture. At no point can there be detected any thoughts that may sound particularly morbid and the style is so beautiful as to deserve admiration.

Condtion in November:

The same quiet life is kept on, there being no complaints about the discomforts of hospital life. In order to compare with the premorbid condition, Mr. OKAWA was made to meet relatives and friends who had been on intimate terms with him in his everyday life. On asking their opinion after their meeting as to Mr. OKAWA's present condition, these relatives and friends answered, "He seems

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more talkative than before and his judgment of things is too optimistic." This is an opinion which, I, the physician in charge, could entirely fall in with.

Condtion in December:

Behavior in the sick room as well as address may be called normal of late. The patient now receives the antisyphilitic treatment which he has hitherto been stubbornly refusing and also submits to blood and spinal fluid examination. The results of the said examination conducted on 26 December are as follows:

Blood --- Wassermann's reaction: weak positive
Murata's reaction : weak positive
Spinal fluid ---
Number of cells : 16 per 1cmm.
Pandy's reaction : middle positive
Nonne's reaction : ±
Total amount of protein: 0.24%.
Takata-Ara's reaction : Weak positive
Wassermann's reaction : middle positive

Though the above results show an improvement in comparison with those of the examinations conducted on 7 May and 14 August respectively, yet no few items still present a pathological condition. The patient no longer denies that he is suffering a syphilitic disease, but a real consciousness of his illness seems to be still somewhat lacking. For instance, although he tells about the various experiences or possession he had during his former excitement, he cannot fully recognize them as pathological phenomena. He says, "The souls of a great many people came to me, such as

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King Edward VII, President Wilson, Prince Connaught etc. That's why my English improved very fast. It's not all very clear, but it seems there is such a thing as the coming of souls." On being asked whether he did not consider this as being due to his illness, he answers, "I am not sure about that." Though he lately complains from time to time of pain in the stomack, his physical health is on the whole satisfactory.

Condtion in January 1947:

Though very gradually, the patient seems to be coming to a firmer consciousness of his illness and acknowledges the fact that he had mental aberrations. "It was as if I were drunk," says he, "But with drink one doesn't become Saigo or the Emperor Meiji. So it's a little different from drink too. It was really gorgeous. OKAWA's personality disappeared and I had no egoistic thoughts at all. I was only concerned about the welfare of my country. The reason why I talked and sang in such a manner was because I wanted to repeat that so as not to forget those experiences."

From the end of the month a violent stomack-ache continues for several days and the patient gets somewhat weaker because of poor appetite. The cause of the stomack-ache is not clear yet though he has been examined by a physician, but it does not seem to be due to a malignant disease such as gastric ulcer.

Present Condition

Having recovered from the stomack-ache, the patient leads a quiet life again. No gross mental abnormalities are to be discerned any more by looking at the outward appearance of his life and by probing into his mind through questions. His manners

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are correct and polite, the expression of his feelings and thoughts have become markedly more moderate with the result that the former ostentatious and rough behavior, elated self-feeling and fickle passions do no longer appear on the surface. The fantastic delusions of grandeur which were spectacular at the acme of his illness have almost faded away. He has now a correct memory and a great store of knowledge. In Mr. OKAWA's own judgment, he speaks more readily than he used to before his illness. Thus in his premorbid days, he did not care to speak unless necessary, but of late he talks readily about anything. Further in his own opinion, he does not feel any more mental deficiencies than he used to before his illness and his powers of attention and understanding seem to him to have rather augmented.

Thus by merely taking a general view, neither subjective nor objective mental disturbances are to be seen in any striking form any longer. But upon closer examination we can still find symptoms that are closely related to the pathological mental condition presented by Mr. OKAWA since last May. One of the important ones is a peculiar kind of daydreaming and a delusion-like confidence in these experiences. The following is an account of this as stated by Mr. OKAWA himself.

"This is an experience which I have had since last May and which continues until today. Thus when I concentrate my attention by sitting after the Zen fashion as quiet reigns around, I can make anyone I like come to my side and freely exchange thoughts with me. Among those I recently met in that way are Saigo Takemori, Johannes Kraus (Mr. OKAWA's intimate friend, mother, Mohammed,

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Emperor Meiji, General Yashiro, Rokuro. Of these, Mohammed I meet particularly often. It is like dreaming awake. I can see the people, hear their voices, but it is different from a dream in that I can see anything I like at will and also in that I am awake. Recently I am studying Koran. I have never been able to understand Koran as well as I do of late. I think this must be due to my frequent spiritual communion with Mohammed. It must be a phenomenon like telepathy. I have always believed in telepathy, but it is only since my entrance in Sugamo Prison that I came to believe I have that capacity, a capacity which I still continue to possess today. Therefore, I am convinced that thoughts that are told to me in that way actually belong to those people. When I was very ill last year, however, my inner need for spiritual communion was very great and the visionary stories I used to tell at that time were entirely products of this fantasy. But lately such "dreams" have become much fewer and appear only once in about three days. That is to say, I was, as it were, living in the world of souls in those days, whereas nowadays I live more in the world of reality. But even now, when I fall in such a state, I remain absorbed in that world from one to several hours. It is then that I appear to be meditating to those around me. As it requires mental concentration, night is the best time for it."

The above experience of daydreaming is something that was unknown to Mr. OKAWA when he was healthy. It appeared suddenly last May at the onset of his illness and, according to Mr. OKAWA's own statement, clearly formed the source of his colorful delusions of grandeur at that time. Consequently it is to be considered as a definitely morbid phenomenon. Moreover, Mr. OKAWA's mental attitude and judgment, believing as he does without the slightest

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shadow of doubt in his communion with a great many men of old, are still more abnormal and might be said to be verging on delusions. But still more then these traits, another mental symptom, of a halluncinatory nature, still remains which makes us think of a rest of morbid mental symptoms persisting in the present Mr. OKAWA. For, according to Mr. OKAWA's own words, he at times feels powerful orders to speak or act coming to him ever since last May. For instance, recently he has received the command, "Study the Koran", and "Read the Sutras." Feeling an authority like God's in this voice or mental sound, he obeys it and acts accordingly. This is obviously a symptom similar to auditory hallucination, suggesting in particular the well-known "Gemachterlebnis"in that it has a compelling power. Oweing to these mystical experiences, Mr. OKAWA is now in a state of mind which he describes in the following words. "I am happy in the feeling that I am the object of a blessing which is greater than I deserve. I am glad that everything is done through Heaven's guidance and that everything is good. Formerl it was resignation, but since last May it has become gratitude." This sounds very akin to the mental attitude reached by one who has been through a religious conversion. But since this conversion like experience of Mr. OKAWA's is clearly based on morbid symptoms of daydreaming and auditory hallucinations deriving from pathological mechanisms in the brain, there is no reason why one should judge this experience and the accompanying convictions of Mr. OKAWA's to be normal. Obviously they are rather to be considered as his principal mental symptoms, which, conspicuous at the beginning of his illness, still persist today in a reduced form.

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Explanatory Remarks

What has been stated so far might be summed up as follows: The psychosomatic condition of Mr. OKAWA, who was previously in a manic state due to general paralysis, has been gradually improved by means of malaria treatment and transfer to another hospital for the purpose of adjusting his environment. He has, however, not yet entirely recovered, for physically, there remain slightly positive reactions both in his blood and spinal fluid, and mentally there persist abnormal traits such as his firmly believing in his power to hold spiritual communion with anyone and acting according to hallucinatory experiences.

It is very difficult to distinguish him from normal individua at first sight because emotional elation, delusions of grandeur and immoderate behavior have all disappeared and his power of memory is sound. In addition to that, he gives the impression of a superior man of learning and an upright personality. For all that, however, an experienced psychiatrist will never fail to detec no slight mental symptoms remaining concealed behind the outward appearance of Mr. OKAWA who has recovered composure. Those symptoms, though of a passive kind and manifesting themselves only upon close inquiry, are of such a nature as to exert a tremendous influence upon Mr. OKAWA's personality, judgment and conduct. Since Mr. OKAWA's conviction that he is in possession of telepathic power and that he is daily holding spiritual communion with any one at will was not to be found in his premorbid person, it can rightly be judged to be a product of his illness. Whereas, at the initial stage of his illness this morbid idea was concretely expressed as the main cause for the colorful delusions of

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grandeur, it has come now to form the basis of Mr. OKAWA's thought in his conviction that this is a great blessing bestowed upon him by God, an idea that serves as a motive in bringing about a radical change in Mr. OKAWA's view of life. Consequently, I consider that this symptom has been causing a tremendous change in Mr. OKAWA's personality not only at the initial period of his illness, but also at present. I further infer that, as a result of this, Mr. OKAWA's way of thinking and judgment of things are still different from what they used tobe before his illness.

Besides this symptom, there is a second one, called "Voice of God" by Mr. OKAWA, which has no less important effects. If it is true that, as he himself says, Mr. OKAWA talks and acts according to the "voice", then we can hardly call his speech and behavior normal acts governed by a healthy will any longer. Though Mr. OKAWA considers it supreme as a voice coming from Heaven, from a medical point of view it is nothing but the patient listening to the echo of morbid thoughts produced by his own sick brain. Similar hallucinations are found in many mental patients. In such cases it is usual that we do no longer consider their speech and behavior as being under the control of a proper judgment.

From the above explanation, it is clear that Mr. OKAWA's present mental condition, though markedly better than before, still presents important defects, this being particularly noticeable in the disturbances of the faculty for acting according to a right judgment and a healthy will. For, although Mr. OKAWA may be able to distinguish between right and wrong properly by using

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his excellent intellect, it seems very likely that his altered view of life and the orders coming from hallucinations will make him change his judgment or about a course of action that is entirely dissociated from his own will. Obviously, it would be unreasonable to admit the presence of a complete accountability in such a condition even though it is accompanied with a high intellect. It can sufficiently be expected that Mr. OKAWA's physical and mental condition will be further improved by continued treatment. But since general paralysis is by its nature a serious disease bringing about the destruction of the brain, no few specialists claim that a perfect recovery of legal responsibility is never to be recognized even though the patient gets so well as to have no pathological signs detectable by detailed objective examinations. It goes without saying that this should be all the more true in a case where there actually remain more or less pathological symptoms. In the light of this view held by scholars, it is then proper to consider Mr. OKAWA's mental condition as not having recovered the faculties required in standing a trial, a thing which supposes an adquate power of judgment and will.

Mr. OKAWA's present condition of health demands that he be placed under the careful guidance of a specialist for one or two years more so as to be able to receive proper treatment as occasion arises. For only under such a care can a complete recovery be expected. On the other hand, it is also true that Mr. OKAWA is now restored to a quiet state which involves no impediment in leading an ordinary social life. It is, therefore, no longer necessary to keep him in a mental hospital. It is specially not advantageous for his health to remain in the

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Matsuzawa hospital where prevails a great shortage of clothing, food and accommodation. Therefore, I wish as a doctor that, at this juncture, those concerned with Mr. OKAWA's person reconsider the matter and take a measure that is preferable for his health.

Summary

Mr. OKAWA's physical and mental health has considerably improved. Yet pathological symptoms still remain in both respects and especially in his mental condition. As delusions and hallucinations have undermined his personality fairly deeply, the possibility is great that his judgment and behavior be influenced by these symptoms. Consequently his condition is to be considered as one still lacking in the various faculties that are needed in standing a trial such as the power to discriminate between right and wrong in a proper manner. A complete recovery, however, is still to be expected enough by means of a careful medical treatment.

/s/ YUSHI UCHIMURA
Examiner

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NEUROPSYCHIATRIC SERVICE
361ST STATION HOSPITAL
APO 1055

WFF/vv
13 March 1947

SUBJECT: Psychiatric Examination of Japanese Prisoner of War

TO : Commanding Officer, 361st Station Hospital, APO 1055

1. Okawa, Shumei, was admitted to this hospital for psychiatric reevaluation after treatment in Japanese hospitals. He was admitted on 24 February 1947 and discharged on 12 March 1947. Psychiatric reevaluation was requested by the Prosecution Section of the International Tribunal. A psychiatrist was appointed to examine the prisoner for the Defense, and the commanding officer of this installation was requested to select a neuropsychiatrist to evaluate the prisoner for the Prosecution. The following report is submitted regarding the physical and mental status of this prisoner.

This Japanese prisoner of war was first admitted to this hospital on 4 May 1946 and discharged on 11 June 1946. His diagnoses at discharge were:

Syphilis, tertiary -
a) Psychosis with syphilitic meningo-encephalitis (general paresis); manifested by overactivity, emotional lability, euphoria, grandiose delusions, visual hallucinations, defective judgment, and impairment of retention, recent memory, abstract thinking, and insight; with irregular sluggish pupils, absent deep reflexes in the lower extremities, positive blood and spinal fluid Wassermann, and increase in spinal fluid cells and protein with paretic type gold curve.
b) Aortitis, chronic, syphilitic, with aortic valve insufficiency.
1.) Tuberculosis, pulmonary, bilateral, chronic, activity undetermined.
2.) Arteriosclerosis, generalized, mild.

Following his discharge from this hospital, he was given malaria fever therapy at a Japanese hospital and transferred thereafter to Matsuzawa Hospital for the Insane. This transfer occurred about August of 1946.

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The story of this prisoner's illness indicates that he probably contracted syphilis sometime between the ages of thirty-three and thirty-five. During the only period of his life in which he engaged in promiscuous sexual relationships, there is no history of a genital lesion.

The first symptoms of psychosis that we were able to elicit occurred in early April of 1946 and consisted of one or two isolated visual and auditory hallucinatory experiences. These symptoms progressed rapidly and at the time of his admission to this hospital in May, he was grossly and overtly psychotic. Apparent improvement in his psychotic symptoms occurred after fever therapy in about August of 1946.

MENTAL STATUS:

General: The prisoner is a tall, very thin, sixty-one year old man who appears about the stated age. His general appearance is unusual and decidedly unattractive. His face is thin and gaunt. He has a rather prominent nose, at the base of which rests a pair of glasses with strong, convex lenses which give prominence to his black eyes and tiny pupils.

The prisoner spoke freely in English during all interviews. He seemed to enjoy his conversations with the examiner. His English vocabulary is excellent. He expresses himself well, frequently using descriptive similies and metaphors. His pronunciation is poor.

Perception: The prisoner's attitude toward his illness is rather unusual. He does not accept his previous psychotic behavior as necessarily indicative of illness. He speaks of it as a dream and states that if he were insane he would not now remember his psychotic episode. He is fully aware, however, that his previous reactions were completely abnormal, and intellectually realizes that this constituted illness. He remembers his previous psychotic episode with slight impairment. He describes his enjoyment of the euphoria present at that time.

At present, he believes that Mohammed comes to him. In his vision, he states that he sees Mohammed dressed in a green mantle and white turban. Mohammed's eyes glow brilliantly, and his presence fills him with courage, enthusiasm, and contentment. Mohammed does not speak to him, does not move, and looks like the only picture he ever saw of Mohammed. Patient believes that this is a religious experience. Mohammed enables him to understand the "Koran" as he was never able to understand it before.

There is no conflict with his Buddhist faith because he states there is only one God; and Mohammed, Christ, and Buddha are all prophets of the same God.

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The prisoner is well oriented for time, place, and persons. Recent memory is impaired somewhat in that he remembers minor occurrences with difficulty or not at all. He does remember everything that is of practical importance to him in his daily existence.

There are no other hallucinations, no delusions or illusions.

Intellection: The prisoner's thought content when alone is frequently of Mohammed and of this religion. His principal interest is now in Mohammedism and in the translation and interpretation of the "Koran". His former wide variety of interests have diminished. He speaks with interest, however, about a large number of topics. He seemed to enjoy speaking of his childhood and past life.

Remote memory is intact.

Intelligence is far above average.

Judgment is slightly impaired as indicated by his partial inability to accept his complete irrationality as illness, by the fact that his complete absorption with Mohammedism is not considered to be alien to his Buddhist faith, and by his inability to criticize his previous and present hallucinations, considering them largely only as religious experiences.

Insight into previous and present illness incomplete.

His verbalized response to questions is concise, coherent, and reasonable. He speaks with excellent logic on nearly every subject brought out for discussion. There were indications of nothing more than a very mild concentration impairment.

Emotion: The prisoner's mood remains on the euphoric side. He makes the best of any situation. He is somewhat passive. He does not anger easily and few things disturb his composure.

PHYSICAL EXAMINATION:

Patient is tall, asthenic, emaciated. Blood pressure 120/50. Pupils are constricted and do not respond to light or accomodation. There is flaccidity of the iris muscles so that the iris undergoes an undulating movement when either the eyes or head are moved. The heart is not enlarged to percussion. Rhythm is regular. In the third and fourth left interspace, there is a blowing systolic murmur. In the third left interspace, there is a faint early diastolic murmur. There is slight dullness in the right sub-clavicular region. Over the left apex there are diminished breathing sounds. No rales are

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heard over the lung areas. Examination of the abdomen was essentially negative. The ankle jerks are absent even with reenforcement. The remainder of the deep tendon reflexes are hypo-active but equal. The remainder of the Neurological examination is essentially unrevealing.

Laboratory Examinations:

Blood Count:
Red blood cells - 4.2 million.
White blood cells - seven thousand.
Hemoglobin - 80%

Urinalysis: Normal

Blood Kahn: Negative

Spinal Fluid: Three white cells, three lymphocytes per HPF.
Protein - 36mg%.
Pandy - 1+.
Gold curve - 5433100000.

Wassermann: Positive

X-Ray of Chest: Examination in the posteroanterior projection shows normal diaphragm and no pleural pathology. The heart is small and thin in type. The aorta shows uniform dilatation and there are numerous calcifications visible in the wall of the arch and the descending portion indicating arteriosclerotic changes which, however, are compatible with the patient's age. The upper thirds of both lung fields show numerous stringy, mottled and linear opacities, which are dense, scattered and indefinitely outlined. No definite cavitation is seen. The lower two thirds of both lung fields are clear. These findings are characteristic of pulmonary tuberculosis. The fact that little or no change is noted in the character of the lesions from the films of 6 May 1946 with exception of the left subapical region where some slight increase in density is noted indicates that the process is stable at the present time although the patient's infectiousness or non-infectiousness cannot be positively determined by X-Ray.

DIAGNOSIS:

The primary diagnosis is as follows:

Syphilis, old, tertiary.
Neurosyphilis: meningo-vascular, manifested by Argyll-Robertson pupils, slight impairment of recent memory and judgment, positive spinal fluid Wassermann.
Aortitis, chronic, syphilitic, with aortic valve insufficiency.

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Additional diagnoses are as follows:

Tuberculosis, pulmonary, bilateral, chronic, activity undetermined.
Arteriosclerosis, generalized, mild.

2. In our opinion, a remission of the symptoms of psychosis of the general paretic type has been brought about by treatment. We consider that this prisoner possesses the ability to understand the nature of the proceedings against him. He is able to differentiate between right and wrong. He possesses the intellectual capacity and judgment necessary to take reasonable steps in the presentation of his own defense.

/s/ Herbert Posin
/t/ HERBERT I POSIN
1st Lt, M C
Neuropsychiatrist

/s/ William G. Schweikert
/t/ WILLIAM G SCHWEIKERT
1st Lt, M C
Neuropsychiatrist

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Psychiatric Examination

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To: Sir William Webb, President of the International Military Tribunal for the Far East.

From: Yushi Uchimura, M. D., Professor of Psychiatry, Tokyo Imperial University, the appointed psychiatric examiner.

Subject: Report of the Pyschiatric Examination on the mental condition of Shumei OKAWA.

Date: May 11, 1946.

Sir William Webb, President of the International Military Tribunal for the Far East, ordered on May 4th 1946, that Dr. Shumei OKAWA be medically examined by psychiatrists with a view to ascertaining his mental condition and his capacity to plead to the indictment. Having been appointed for the prupose by Mr. Shinichi OHARA, Japanese Defense Counsel for Dr. Shumei OKAWA, I, Yushi UCHIMURA, examined Dr. OKAWA twice on May 7th and 9th respectively at the 361st Station Hospital. Based on the results of these examinations and the additional information gathered from his wife, Iwane MATSUI and two guardians who were familiar with the daily life of Dr. OKAWA at Sugamo Prison, I have arrived at the following opinion on his mental condition as reported herewith.

Report of Psychiatric Examination

(a) Mental Condition

OKAWA is a Japanese male, taller than the average and has an appearance in keeping with his age of 61. When brought to the room for medical examination, he took a seat unceremoniously without making any greating to those around him, and before the examiner could introduse himself, began to talk to him familiarly as if he were an old acquaintance. OKAWA's speech was rapid, loquacious, somewhat indistinct, and flowed on almost uninterruptedly. His attire was slovenly and his manners extremely rude. Giving absolutely no head to his surroundings,

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he spoke out elatedly anything and everything that came to his mind. After a while, however, when I asked him to let me conduct an oral and physical examination, he complied with my request on the whole submissively. Only in a few cases when the process of examination was lengthy, he showed signs of impatience and refused to submit. His talk was very fluent and ran on topics of religion, politics and science, erotic remarks being also not infrequently inserted. Criticisms and appraisals of other people were highly outspoken, as he tended to speak highly of himself at the expense of others. The sense of self was conspicuously heightened and made OKAWA fancy himself as the greatest man under the sun. In a word, he presented in general a condition entirely devoid of inhibition.

OKAWA spoke in Japanese freely mixed with English and German, not seldom using only English. He had an ample stock of topics which easily shifted from one to another, often before one had reached its conclusion. His feelings during the conversation were extremely exalted and exhilarated, and his facial expression showed a corresponding liveliness. But when met with opposition or retort, he immediately became highly displeased and assumed a contemptuous attitude towards the examiner as if he despised the stupidity or ignorance of the latter. This ill temper, however, usually would not last long, but would soon be replaced by the former happy mood in which OKAWA would go on talking as cheerfully as ever.

Such a speech and conduct lacking in restraint and such an unbalanced emotional state rapidly changing from a joyful mood to ill humour, show in themselves a definite abnormal mental condition that is never to be found in a healthy individual in normal condition. Moreover, according to his wife and relatives, OKAWA ordinarily is said to be rather taciturn, patient and extremely correct in his toilet and manners. In view of these facts, there is no doubt that the mental condition presented by OKAWA at the medical examination was definitely out of the normal. To put it in psychiatric terms, it is to be called typical manic states.

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But this manic condition is not constant during the whole day. In his room OKAWA scatters about tobacco aches, writes disconnected things by way of letters, gives imperious orders to his nurse, but is said to be usually quiet when few people are around him, and to sleep well at night giving no trouble to his surroundings by making noise. That is to say, OKAWA's manic condition varies according to the milieu and is highly dependent upon the amount of external stimuli. Even at its strongest, his excitement never reaches such a frenzy as to make him lose all distinction of persons or places or to go beyond a certain limit in his actions. It is a condition of diminished inhibition, but not entirely lacking in restraint. Therefore, we believe we can summarize it as a mental condition corresponding to the psychiatric term of hypomanic state.

Of all the mental symptomn presented by OKAWA, what draws most the attention of the people around him and gives most the impression of a psychosis is the content of his thoughts. Befitting his cheerful mood, his thought content is not only remarkably optimistic, but also markedly grandiose in character. Not only doc he give an exaggerated account of his work, abilities and circumstances, but also very often states as facts fantastic ideas that a normal person could never hold true, but which OKAWA seems to believe in. Consequently these are not merely exaggerated ideas, but are actually delusions of grandeur with absurd contents. Fo. lowing are given some quotations from OKAWA's talk illustrating the nature of tho. delusions of grandeur. They may at the same time also serve to show how morbidly exalt his sense of self is, and how constantly the topics of conversation keep changing under the stress of an aboundant flow of ideas. (Note: these words were spoken Japanese unless otherwise specified.)

"In Sugamo Prison, I did not eat because I can take nutritive elements from the air. That's why I am in such a perfect health even though I did'nt eat for seventy days. I'm a doctor, so I know everything about it".

"I am a doctor of medicine, science and engineering. I received the Nobel prize three times. The subjects of my theses I forgot because it's so long since

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I have also atomic bombs ready in my head. There is plenty of urnaium to make them with. There is also tungsten .....And I'll make the Japanese Emperor the Pope, Listen, all of you. I'll make him bow to the Emperor before everybody ... Don't you know, I was the only popular man in the prison".

"I can walk on water. One simply has to keep the air in one's body a vacuum. Nothing is easier than walking on water like Christ."

"I have only 23,000 yen, because I gave everything to others. Since long I have given 500,000 yen a year, that makes about 50,000,000 yen in all".

"I can kill people very easily by breathing upon them. Just as I get nutritiv elements from the air, I can make strychnine and cyanic acid from it. And I have only to blow that at them. I wanted to kill Tojo in that way at the Court, too. I slapped him with my hands because otherwise I couldn't make it a comedy".

"On July 4, I am to become the Empress Dowager's son-in-law in place of the late Emperor Taisho. But I'm going to resign when the United Organization of the world will be set up. Mrs. MacArthur comes here everyday and looks after every thing for me. She makes my bed, and strokes me saying, "My boy, my boy, you will soon get well". (Tears come to his eyes.) I call her mamma". (He seems to be taking his nurse for Mrs. MacArthur)

"I learned how to make hallucinations from Gandhi when I was about forty. I see and hear Christ and Mohammed calling me from the sky. I would like to go, but if I go, I'll die and I'll not be able to serve my country. That's why I've tied a string to my waist so that I can't go".

"This trial is a kind of tactics. It's a natural action and not a moral action ... (in English) Suppose one throws a ball and it falls. Then we can see the ball stop. But actually it rolls on for a little while by inertia. In the same way the war is going on yet. It is not an ordinary court. It is a continuation of the war. If so, Mac must be hanged before General Yamashita and General..

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It had better be called a tactics, therefor it is like a bullet, airplane or atomic bomb. (in Japanese) You can kill people by any means. It is more advantage ous to kill by means of such a trial than with a gun". (in Japanese) "In Japan there are stupid soldiers and men like Shozaburo Yokota. I'm going to tell it to the Emperor and have them expelled immediately. International Tribunal is not an object of jurisprudence, but of the science of war. Overlooking such an obvious fact, and taking this for a real trial, they, Japanese as they are, say flatteries in order to curry favor with MacArthur and give interpretations that are to the disadvantage of our miserable war criminals. Therefore I told them, "MacArthur may go any length, but since we're still fighting in the battle field, you've got to resign yourselves even though a bullet hits you and kills you; It's a natural action, and up to now the general principle was ...." Really, aren't people damned stupid? Stupid Japanese! Don't you understand such an important fact? .... Even though I die, I'll resurrect within 48 hours, sure .... like Jesus resurrection, but mine may take a little more time. Put it simply, yes. God's judgment is justice; (in English) That is morality. Now this trial is not an ordinary court. As I said before, the criterium of judgment is not bad or good. That is moral. The standard of judgment is useful or useless. The clearest enemy is Mac Arthur I. Then you can do everything with such a gun. But such a gun cannot penetrate my armor at all."

"(in Japanese) At Sugamo, they were all discussing how to escape the sentence but I told them they've got to die all since it's a natural force. I asked the Emperor to let them all die since they have all committed the same crime. At the end this sham show will be over and morality will reign for the first time. I'll have the Emperor conduct a moral trial. When the Emperor will give the last sentence, this natural action will become a moral action. We'll tell Mac, "Why have you judged guilty those innocent people?" and make him beg pardon, And I'll re-

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surrect .....

"I've received 20,000,000 dollars from mamma. She's very nice. Both Mrs. MacArthur and her daughter come here and do the cleaning even for the nigger. They even feed him. Oh, they're wonderful. Yesterday I asked Mrs. MacArthur, (in English) "Mamma, how many times did you enjoy MacArthur last night"? Then she scolded me saying "Bad boy, bad boy".

"(in Japanese) In order to make Heaven come to this earth, I'm mobilizing scholars from all over the world. General MacArthur also is asking pardon saying that he was wrong. When the trial will be over, Heaven will come to Japan. I've talked over with General MacArthur, and the result is, the indemnities have been all cancelled. And the occupation expenses are not to be borne by us but will be given by them. The more money one uses, the greater is the ill-felling one gets among the Japanese. That's why I receive money from General MacArthur. You don't understand because you're poor."

"General MacArthur comes to take his meals here. He's a very nice person. He's like General Yamashita, in his widdom and like General Itagaki in his pluck. He's a great friend of mine".

"By next April all the old houses surviving the air - raids will be torn down and instead of them 1,000,000 new houses will be built, all a gift from mamma. So reconstruction is quite easy, easier than anything. Why should it be impossible. Also about the food problem, there's nothing to worry since there are 400,000,000 sheep in China. I can go over there and kill them or give them cyanic acid".

We see here many ideas that are highly absurd considering they are uttered by such a cultured individual as OKAWA. Therefore, I wondered whether they were not said by way of jokes or on purpose. But OKAWA was extremely serious about them, and always reacted with ill humour when such questions were asked. Consequently I

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judged from it that such words as the above represent actual delusions of grandeur A problem arises here as to whether this may not be a phenomenon caused by a lowering of intelligence. On the papers used by OKAWA for writing are written in a disordered handwriting many a fragmentary sentences and words, which may make one suspect a fall of OKAWA's intellecutal level. But according to our numerous experience of cases of manic states, grandiose delusions and altered handwriting are symptoms that can occur without a lowering of the intellectual faculties. OKAWA's grandiose delusions keep coming one after another continuously, the former fading away as another takes its place so that it is seldom that delusions with similar contents are repeated. That is, those delusions of grandeur are fluctuating and do not have the fixed and systematized character of delusions seen in paranoiac cases. Among OKAWA's delusions there are many that can be considered as transient products of a cheerful mood and an elated sense of self. And this is a characteristic usually seen in the delusions held in a manic condition.

There are no other remarkable mental symptoms. Clouding of consciousness can not be proved. His memory for remote events seems to be fairly correct. But every time I tried to examine his memory precisely, and systematically, he did not give me appropriate answers, saying:"I do not remember such useless matter". Therefore, I must be satisfied with estimation of his memory through conversations in general. His memory for recent events could be tested by such questions as what he ate this morning, and was found to be somewhat defective. However, it can not be immediately concluded with this that it shows the impairment of his intelligence, because this kind of weakness can be often observed in a manic state merely due to flucuation of attention. Even if his intelligence may be already impaired, I believe that the impairment must be very slight yet, taking the whole picture of his in consideration.

(b) Physical Condition

Through physical examination, I obtained the following findings which are suf:

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cient to explain the cause of the mental symptoms.

The most important somatic findings are: (1) Syphilitic reaction (Kahn reaction) of the blood serum is strongly positive; (2) Various pathological changes in the spinal fluid, especially here too a strongly positive syphilitic reaction (Wassermann reaction); other changes are: lymphocytosis (65/1cmm); increase of the total amount of protain (0.68%); Pandy and Nonne-Apiect reactions strongly positive Takata-Ara reaction strongly positive. Among them the Takata-Ara reaction is typically of the paretic type, a form of reaction that is widely recognized as appearing most frequently in general paralysis. (3) Other important symptoms contributing to the diagnosis are: Sluggish reaction of the pupils to light; Asymmetrical knee-jerks, the right side failing; Achilles-tendon reflex lost on both sides;-all of which are generally known as symptoms frequently seen in general paralysis.

Other somatic symptoms are: a light murmur in the acrtic tone of the heart, and a change in elektrecardiogram suggesting an insufficient function of the north valve. But neither subjectively nor objectively are to be found further signs of actual circulatory disorders corresponding to the above symptoms. In X-ray film is seen a calcification of the descending aorta, representing either arteriosclerosis corresponding to OKAWA's age or a syphilitic vascular change. In any case it is not to be considered a noteworthy symptom, nor does it have any direct connection with the mental condition of the patient. Similarly in Z-ray film there is a shade over a wide area extending from the apex to the 3rd intercostal space bilaterally that appears to be tuberculous in nature. It represents, however, an old lesion and is not active at present. According to his wife, OKAWA suffered from severe "colds" once or twice in the past, which might have been the illness that brought about those shadows, but nothing can be ascertained in this respect. The blood pressure, 150 mm Hq at the highest and 50 mm Hg at the lowest, is about proportionate to his age. A trace of protein is found in urin. In the ocular fundus is seen a picture of a slight arteriosclerosis, but it is also merely a sign corres-

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ponding to OKAWA's age and is of no special significance.

Summing up the results of the physical examination, we recognize some typical symptoms of general paralysis providing sufficient explanations to OKAWA's present mental condition, but the rest of the symptoms are slight and of no importance.

Explanatory Remarks

From the record of the psychiatric examination stated above, I am in a positic to give an unquestionable diagnosis of the condition presented by OKAWA. It is the syphilitic disease of the brain called general paralysis (dementia paralytica) in its manic or expansive form. I have been able to ascertain the presense of all the symptoms necessary for the diagnosis of this mental disease. According to the stat ment of his wife and relatives; OKAWA has been generally healthy ever since he was born on December 6, 1886, throughout his childhood, youth and adult periods, and has experienced no marked disease except neuralgia and "colds". Since graduating from the Department of Indian Philosophy, Tokyo Imperial University, he is said to have never been hindered in his social activities by reasons of health. But since his thirties, he seems to have been connected with certain women, and his infectior of venereal diseases must be dated sometime around this period. His marriage is said to have been postponed till his 41st year partly because of his having gonor- rhoea. His character is by nature fastidious and methodical, nervous and passiona Being reticent, however he is usually unable to ask a person to shorten his visit and rather than asking he listens patiently to his visitor's talk for hours. Polit in his manners and correct in his attire, he has a high taste especially in his dress. Such a character and habits have continued till his entrance in Sugamo Prison in January of 1946, and neither neurasthenic complaints nor psychotic conduc have been noticed at all up to that time. The only point to be considered as show- ing an abnormal constitution is his peculiar reaction to alcohol. From the first he drank but little, but used to get excited with a small amount of alchol. As this

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peculiarity of his became more pronounced since his fifties, those around him usually tried to make h'm avoid drinking. In his alcoholic excitement, OKAWA is said to become rude, talkative and irritable in his feelings, a condition that must be somewhat similiar to his present state.

According to the statement of the former General Iwane MATSUI, an old acquaint ance of OKAWA's and his roomate at Sugamo Prison from the beginning of March this year, OKAWA at first showed no change from his usual self. But from the end of Mar he began complaining of troubles in sleep and using sleeping drugs. At first he busied himself reading through most of Gibbon's History of Rome, but around the beginning of April, he started writing down his past experiences saying he felt unusu well and wondered why he was able to write such humorous and interesting things as he did not believe himself capable of. About the middle of April, he began recitin the sutras to the Kwannon goddess, getting more and more engrossed in it so that finally he said he was being possessed by the goddess. Also around this time he learned how to make poetry in the old chinese way becoming likewise quite absorbed in day and night and making about fifty poems in ten days. Since about that time he became disorderly in his attire, wrote a letter to General MacArthur to the effe that the supreme commander should be more kind to the Japanese, and said that if Mrs. MacArthur read that letter, she would surely send him at least some books. Both MATSUI and one of the guardians say that OKAWA became markedly excited from the end of April, staying awake all night, knocking at the door and talking loudly so as to occasion complaints among those around him. He is then said to have boast ed he is the commander of the prison. A visitor who saw him on April 25, also noticed OKAWA's abnormal mental condition.

Inferring from the above anamnesis and statements, it appears that the onset of illness took place after OKAWA's entrance in Sugamo Prison, beginning with neure thenic symptoms from the end of March, showing signs of a slight exaltation from

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the beginning of April, and developing into a clearly psychotic condition by the en of April. S uch a course at the onset of illness is often seen in general paralysis

General paralysis is a severe disease of the nervous system caused by pathogen organisms of syphilis contracted long before coming to invade a wide area of the br and the spinal cord. Unless adequate therapy is given at the earliest period possi ble, the disease will make a constant progress and after two or three years will cause a general enfeeblement usually leading to death. The disorders of mental fun ctions are most conspicuous, showing in the initial stage painly such emotional troubles as manic or depressive conditions, but subsequently in all cases accompanied with serious impediments of the intelligence so that finally the patients falls into a severe condition of dementia which deprives him of all human traits.

The present mental condition of OKAWA is, as above stated, a manic state rich in grandiose delusions with but slight troubles of the intelligence as yet. And it is only one and a half month since the initial mental symptoms were noticed. From these facts we can infer that OKAWA's actual condition obviously belongs to the initial stage of the disease. However, although it is an initial condition present ing but few symptoms of intellectual disorders we can by no means call it a condition of merely slight mental abnormality. An intense and exalted sense of self, grandiose delusions that make him believe in any impossibilities, an attention that fluctuates constantly from one thing to another--all those morbid symptoms make it difficult for OKAWA to secure calm judgment, careful thinking and orderly condtuct. The actual condition of Okawa, speaking out and doing as he does anything on the sp of the moment, must be considered as a seriously psychotic state. Consequently whe. he will assist at the Military Tribunal and receive the indictment, what will gover Okawa's mind will most likely be violent passions and uncontrolled delusions of grandeur, and never the moderation and mature deliveration that are to be expected from him in his normal state. His present frame of mind is comparable to the stron ly exalted mental condition caused by drinking. Therefore OKAWA is actually incapable of making such responsible conduct as in his normal health, nor should

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those around him expect this from his present self. This all the more true in case where the object to be considered requires calm, rational and critical thinking. It follows that it is almost utterly impossible for OKAWA in his present mental condition to judge of such an important matter as pleading to the indictment, a matter of greatest weight both personally and internationally. It is widely recognized in judicial psychiatry that all competency is to be denied in a case of general paralysis that has not been submitted to treatment or that of a marked manic condition.

The discovery of the fever therapy for general paralysis is one of the greatest progreses made in modern medicine. Its effectiveness is the more conspicuous the earlier the stage of the disease. Therefore if the treatment proceeds smoothly there is a great possibility that OKAWA will obtain a fairly good recovery from his pathological mental condition, severe as it is. It may not even be impossible for him to regain a full capacity for assuming responsibility. Thus I close this report by expressing the desire from a medical point of view that an adequate treatment be given to OKAWA as soon as possible.

Conclusion

The mental condition of Dr. Shumei OKAWA since the end of April, 1946, up to the present is a manic state due to general paralysis, a syphilitic disease of the brain. Its present stage is fairly advanced and is to be considered as greatly impeding his capacity to plead to the indictment.

Medical Examiner Yushi Uchimura, M. D.

/s/ Yushi Uchimura

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DEFENSE REQUESTS

PURL: http://www.legal-tools.org/doc/7e524f/

U.S.A. v ARAKI, Sadao

These Papers should substitute the above mentioned Nos. of which are deficient.

PURL: http://www.legal-tools.org/doc/7e524f/

Paper No. 226 missing.
Paper " 200 attached.

U.S.A. v ARAKI, Sadao

These Papers should substitute the above mentioned Nos. of which are deficient.

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25

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

Case No. 1

MOTION No. ____

THE UNITED STATES OF AMERICA, et al

- VS -

ARAKI, Sadao, et al

- Defendants -

SEVERAL APPLICATION BY ALL REMAINING DEFENDANTS FOR AN ORDER REQUIRING THE PROSECUTION TO FURNISH TO EACH DEFENDAND STATEMENTS MADE BY EACH SAID DEFENDANT

NOW COME all of the remaining twenty seven defendants in the above entitled cause, by their respective attorneys of record, and severally move the Honorable, The International Military Tribunal for the Far East, for an order requiring the Prosecution within a time certain to supply to each of said defendants a true copy of all interrogations and statements obtained by the Prosecution or any person acting on behalf of said Prosecution from each such defendant. The application is made under the provisions of Article 9e of the amended charter of 26 April 1946 which provides in part "An accused may apply in writing to the Tribunal for the production * of documents", and also under the general powers of the Tribunal.

1. Over a long period of time the Prosecution and others acting on behalf of the Prosecution have interrogated practically all of the defendants repeatedly while under the duress of imprisonment. As a result of such interrogations the Prosecution has compiled lengthy written recordings of such interrogations which were never shown to any of the defendants in written form for either approval or correction. In other instances the Prosecution has obtained from defendants partial written statements on special aspects of the case which are misleading in their present form. Because of language difficulties a number of the

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defendants failed to comprehend the import of questions propounded during the interrogations with the result that the recorded interrogations contain serious errors of fact.

2. The defendants are informed that the Prosecution intends to use either the whole or a part of all such interrogations and statements as either primary or secondary evidence in the above proceeding and intends to serve such documents or the part thereof intended to be used only twenty four hours before its use in evidence. Counsel for all the defendants imperatively require a copy of the whole of such interrogations or statements without any further delay to the end that the interrogations and statements may be checked for accuracy and the defendants be otherwise apprised of the evidence taken from such defendants while under duress of imprisonment.

3. Counsel for the defendants require a true copy of such interrogations and statements without further delay in order to adequately prepare for cross examination and the defense.

4. And for other matters to be argued on the hearing of the application.

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3. Counsel for the defendants require a true copy of such interrogations and statements without further delay in order to adequately prepare for cross examination and the defense.

4. And for other matters to be argued on the hearing of the application.

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SUMMARIZATION IN ENGLISH OF AN ORIGINAL JAPANESE DOCUMENT SUBMITTED AS AN ADDENDUM TO THE DEFENSE MOTION ON JURISDICTION.

Production of Evidence and its Explanation

In order to establish the main points in the motion with regard to the jurisdiction of the Tribunal which has been lodged with the Tribunal according to Article 10 of the Charter of the International Military Tribunal for the Far East, dated May 2, 1946, the defendants, desiring to produce the following eveidence, hereby state the facts and their relevancy which are to be established pursuant to Article 9, paragraph (f) of the Charter.

Documents which will be admitted as judicial notice by the Tribunal are enumerated in the last part of this document.

Defendants' Document No. 1

Treatise on International Law in Time of War, by SAKUTARO TACHI, July 20, 1944.

The facts which shall be established by the above document.

We intend to establish the manner in which the words "War Criminal" in Article 7 of the Potsdam Declaration was understood by the Japanese when they accepted the Declaration.

Relevancy.

Dr. S. Tachi was one of the most famous scholars inthe study of international law in Japan; his book has been read most widely and is believed. He defined crimes in the time of war (here he annoted in particluar in English) and enumerated their kinds.

Defendants Document No. 2

Lecture on International Law in Time of War, by Dr JUMPEI SHINOBU, Vol. II, November 23, 1941.

The facts wich shall be established by the above document.

Same as for Defendants Ducument No. 1.

Relevancy.

Dr. J. Shinobu is an authority on international law in Japan and has been legal advisor to the Military and Naval Ministries during the War. His books were widely read and believed by the persons concerned in the government circles of Japan as well as by people at large. On page 869 and in following pages of this book, de defines the word "SENRITSUHAN" (here he annoted particular in English "War Crimes") and enumerated the examples.

PURL: http://www.legal-tools.org/doc/4fdfbd/

Defendants' Document No. 3

International Law, by Oppenheim, Vol II, 5th Edition, Sept. 1935.

The facts which shall be established by the above document.

We intend to establish the manner in which the peoples of the U.S.A., England, China, Soviet Russia, and other countries constued the words "War Criminal" at the time when the Potsdam Declaration was issued.

Relevancy.

The above book was one of the most authoritative books in the world on international law, and has been widely read and believed by English speaking people as well as in other countries at large. On page 453 and the following pages the meaning and the kinda of War Crimes are enumerated.

Defendants' Document No. 4

Pamphlet entitled "The Last Imporial Conference" February, 20, 1946.

The facts which shall be established by the above document.

We intend to establish that Japan paid great attention to Article 9 of the Potsdam Declaration when Japan decided whether she would accept the Declaration or not, and in what manner the Japanese government construed the words "War Criminal" in the Article at that time, when she accepted the Declaration. The following witnesses relate to this matter.

Relevancy.

The above pamphlet was written by Hisatsuno Sekomizu, Chief Secretary of the Suzuki Cabinet. On page 63 of the pamphlet, there is an account of Supreme council for the direction of war, which was held on August 9, 1945.

Defendants' Witness No. 1 - KANTARO SUZUKI

The fact which shall be established by the above witness.

We intend to establish in what manner the Japanese government constued the words "War Criminal" in Article 9 of the Potsdam Declaration at the time when the Declaration was accepted.

Relevancy.

We intend to solve the question about the meanings of the words used in the Ptsdam Declaration by the testimony of the

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witness who was Prime Minister at the time when Japan accepted the Declaration, and who was the highest responsilbe authority in the decision of the acceptance of the Declaration.

Defendants' Witness No. 2 - HISATSUNE SEKOMIZU

The fact which shall be established by the above witness.

Same as by Defendants' witness No. 1

Relevancy.

The witness was Chief Secretary of the Suzuki Cabinet and assisted Premier Suzuki and his Cabinet.

Documents and speeches which will be recognized as judicial notice

1. Moscow Declaration, October 30, 1943.
2. Announcement of Crimea Conference, February 14, 1945.
3. Speech by W. Churchill at Parliament of Canada, Dec. 30, 1941
4. Speech by W. Churchill at House of Lords of England March 21, 1943.
5. Radio Speech by F. D. Roosevelt, October 12, 1942.
6. Speech by F. D. Roosevelt, February 12, 1943.
(Above six documents relate to Motion No. 1.)
7. Memorandum for settlement of disputes in the area of Lake Khasan between Soviet Russia and Japan, August 1938.
8. Memorandum between Soviet Russia and Japan for settlement of disputes in the area of the Khackhin-Gol River September 1939.
9. Neutral Treaty between Soviet Russia and Japan, April 13, 1941
(Above three documents relate to Motion No. 2)
10. Treaty of Alliance between Thai and Japan.
(This document relates to Motion No. 3)

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INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

Case No. 1
MOTION No. ____

THE UNITED STATES OF AMERICA, et al

-vs-

ARAKI, Sadao, et al

- Defendants -

APPLICATION OF ALL REMAINING DEFENDANTS FOR LEAVE TO FILE THE ATTACHED APPLICATION FOR AN ORDER REQUIRING THE PROSECUTION TO FURNISH TO EACH DEFENDANT A TRUE COPY OF ALL INTERROGATIONS AND STATEMENTS OBTAINED FROM SUCH DEFENDANT

NOW COME all of the remaining twenty seven defendants in the above entitled cause, by their respective attorneys of record, and severally move the Honorable, The International Military Tribunal for the Far East, for leave to file the attached application for an order requiring the Prosecution to furnish to each defendant a true copy of all interrogations and statements obtained from such defendant and as grounds for such application respectfully refer to the points made in the attached application.

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HASHIMOTO, Kingoro
by
/s/ Itsuro Hayashi
Itsuro HAYASHI
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HATA, Shunroku
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Masayushi KANZAKI
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/s/ Lt. Aristides Lazarus
Lt. Aristides Lazarus
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PURL: http://www.legal-tools.org/doc/c8bb87/

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Japanese Counsel

/s/ Samuel J. Kleiman
Capt. Samuel J. Kleiman
American Counsel

HIROTA, Koki
by
/s/ Tadashi Hanai
Chu HANAI
Japanese Counsel

/s/ David F. Smith
David F. Smith
American Counsel

HOSHINO, Naoki
by
/s/ Goichiro Fujii
Goichiro FUJII
Japanese Counsel

/s/ George C. Williams
George C. Williams
American Counsel

ITAGAKI, Seichiro
by
/s/ Hanzo Yamada
Hanzo YAMADA
Japanese Counsel

KAYA, Okinori
by
/s/ Tsuruo Takano
Tsuruo TAKANO
Japanese Counsel

KIDO, Koichi
by
/s/ Shigetaka HOZUMI
Shigetaka HOZUMI
Japanese Counsel

/s/ William Logan, Jr.
William Logan, Jr.
American Counsel

OKA, Takazumi
by
/s/ Shiniii Somiya

/s/ Franklin E. N. Warren
Franklin E. N. Warren
American Counsel

OKAWA. Shumei
by
/s/ Shinichi Ohara
Shinichi OHARA
Japanese Counsel

/s/ Alfred W. Brookd
Alfred W. Brooks
American Counsel

KIMURA, Heitaro
by
/s/ Tokisaburo Shiohara
Tokisaburo SHIOHARA
Japanese Counsel

/s/ Joseph C. Howard
Joseph C. Howard
American Counsel

KOISO, Kuniaki
by
Shohei Sammonji
Shohei SAMMONJI
Japanese Counsel

/s/ Alfred W. Brooks
Alfred W. Brooks
American Counsel

MATSUI, Iwane
by
/s/ Kiyoshi ITO
Kiyoshi ITO
Japanese Counsel

MINAMI, Jiro
by
/s/ Toshio OKAMOTO
Toshio OKAMOTO
Japanese Counsel

MUTO, Akira
by
/s/ Shoichi Okamoto
Shoichi OKAMOTO
Japanese Counsel

/s/ Roger F. Cole
Roger F. Cole
American Counsel

NAGANO, Osami
by
/s/ Hachiro Okuyama
Hachiro OKUYAMA
Japanese Counsel

/s/ John G. Brannon
John G. Brannon
American Counsel

SHIMADA, Shigetaro
by
/s/ Yoshitsugu Takahashi
Yoshitugu TAKAHASHI
Japanese Counsel

/s/ Edward P. McDermott
Edward P. McDermott
American Counsel

SHIRATORI, Toshio
by
/s/ Nobuo Naritomi
Nobuo NARITOMI
Japanese Counsel

/s/ Charles B. Caudle
Charles B. Caudle
American Counsel

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OSHIMA, Hiroshi
by
/s/ Ryuki Shimanouchi
Ryuki SHIMANOUCHI
Japanese Counsel

/s/ Owen Cunningham
Owen Cunningham
American Counsel

SATO, Kenryo
by
/s/ HYoichiro Kusano
Hyoichiro KUSANO
Japanese Counsel

/s/ James N. Freeman
James N. Freeman
American Counsel

SHIGEMITSU, Mamoru
by
/s/
Kenzo TAKAYANAGI
Japanese Counsel

/s/ George A. Furness
American Counsel

SUZUKI, Teiichi
by
/s/
Motokichi HASEGAWA
Japanese Counsel

/s/ Michael Levin
Michael Levin
American Counsel

TOGO, Shigenori
by
/s/ Shigetaka Hozumi
Shigetaka Hozumi
Japanese Counsel

/s/ George Yamaoka
George Yamaoka
American Counsel

TOJO, Hideki
by
/s/ Ichiro Kiyose
Ichiro KIYOSE
Japanese Counsel

UMEZU, Yoshijiro
by
/s/ Miyake Shotaro
Shotaro MIYAKE
Japanese Counsel

/s/ Ben Bruce Blakeney
Major Ben Bruce Blakeney
American Counsel

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INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

~~THE UNITED STATES OF AMERICA, THE REPUBLIC OF CHINA,~~

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INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST

- 1 -

THE UNITED STATES OF AMERICA, et al

- VS -

ARAKI, Sadao, et al

- Defendants -

MOTION

NOW COME the defendants, Hiranuma, Kiichiro, Matsuoka, Yosuke, Shigemitsu, Mamoru, Togo, Shigenori and Umezu, Yoshijiro, who, appearing specially and for the purposes of this motion only, supplementing the motion heretofore filed by the Japanese counsel, by their American counsel deny the jurisdiction of the Tribunal and move the dismissal of the indictment upon the following additional grounds:

1. That the members of this Tribunal being representatives of the nations which defeated Japan and which are the accusers in this action, a legal, fair and impartial trial is denied to these accused by arraignment before this Tribunal;

2. That war having been recognized universally and in all times as a legal state of relations among nations, counts 1 to 36 inclusive of the indictment, constituting Group One, "Crimes against Peace," charging as an offense the planning, initiating and waging of war, or conspiring to do such acts, state no justiciable crime or offense under international law or otherwise;

3. That war being a state of relations among nations and not among individuals, c unts 1 to 36 inclusive of the indictment, constituting Group One, "Crimes against Peace,"

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charging individual defendants with planning, initiating and waging war, or conspiring to do such acts, state no justiciable crime or offense under international law or otherwise;

4. That the obligations, if any, of the treaties, agreements and assurances relating to the planning, initiating or waging of war as alleged in the indictment, being obligations of conscience or at most of contract, the violations of which were not crimes of nations or individuals, counts 1 to 36 inclusive of the indictment, constituting Group One, "Crimes against Peace," state no justiciable crime or offense under international law or otherwise;

5. That killings in the course of belligerent operations being, except insofar as they may constitute violations of the laws or customs of war, a normal incident of war without regard to whether such war be illegal, undeclared, aggressive or in violation of treaties, agreements or assurances, counts 37 to 43 inclusive of the indictment, constituting part of Group Two, "Murder," state no justiciable crime or offense under international law or otherwise;

6. That violations of the laws or customs of war being offenses triable by the military authority of the nation offended against, counts 44 to 50 inclusive and 53 to 55 inclusive of the indictment, constituting part of Group Two, "Murder," and Group Three, "Conventional War Crimes and Crimes against Humanity," insofar as they attempt to charge such offenses, state no crime or offense justiciable by this Tribunal;

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7. That the Tribunal's jurisdiction to try and punish "war criminals" being founded upon Japan's capitulation in accordance with the Potsdam Declaration, and upon that Declaration, counts 1 to 55 inclusive of the indictment, constituting Group One, "Crimes against Peace," Group Two, "Murder," and Group Three, "Conventional War Crimes and Crimes against Humanity," insofar as they attempt to charge offenses other than "war crimes" in the general acceptance of that term as of the date of the Potsdam Declaration and the capitulation in accordance therewith, state no justiciable crime or offense under international law or otherwise;

8. That the Tribunal's jurisdiction to try and punish "war criminals" being founded upon Japan's capitulation to the United States of America and the British Commonwealth of Nations, with whom Japan had been at war from 8 December 1941, the Republic of China, with whom Japan had been at war, if at all, from 9 December 1941, and the Union of Soviet Socialist Republics, with whom Japan had been at war from 9 August 1945, counts 1 to 47 inclusive, 51 and 52 of the indictment, constituting Group One, "Crimes against Peace," and part of Group Two, "Murder," insofar as they attempt to charge offenses committed prior to those dates respectively, state no crime or offense justiciable by this Tribunal;

9. That the Tribunal's jurisdiction to try and punish "war criminals" being dependent upon Japan's capitulation putting an end to the state of hostilities theretofore existing, counts 1 to 6 inclusive, 18, 19, 27, 28, 44 to 50

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inclusive and 53 to 55 inclusive of the indictment, constituting parts of Group One, "Crimes against Peace," parts of Group Two, "Murder," and Group Three, "Conventional War Crimes and Crimes against Humanity," insofar as they attempt to charge offenses committed against the Republic of China, with the lawfully constituted government of which Japan was not at war during the times mentioned in the indictment, state no crime or offense justiciable by this Tribunal;

10. That the Tribunal's jurisdiction to try and punish "war criminals" being dependent upon Japan's capitulation putting an end to the state of hostilities theretofore existing, counts 1, 4, 5, 15, 23, 33, 44 and 53 to 55 inclusive of the indictment, constituting parts of Group One, "Crimes against Peace," parts of Group Two, "Murder," and Group Three, "Conventional War Crimes and Crimes against Humanity," insofar as they attempt to charge offenses committed against the Republic of France, with the lawfully constituted government of which Japan was not at war during the times mentioned in the indictment, state no crime or offense justiciable by this Tribunal;

11. That the Tribunal's jurisdiction to try and punish "war criminals" being dependent upon Japan's capitulation putting an end to the state of hostilities theretofore existing, counts 1, 4, 5, 16, 24, 34, 37, 38 and 44 of the indictment, constituting parts of Group One, "Crimes against Peace," and parts of Group Two, "Murder," insofar as they attempt to charge offenses committed against the Kingdom of

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Thailand, with the lawfully constituted government of which Japan was not at war during the times mentioned in the indictment, state no crime or offense justiciable by this Tribunal;

12. That the Tribunal's jurisdiction to try and punish " war criminals" being dependent upon Japan's capitulation putting an end to the state of hostilities theretofore existing, counts 1, 4, 5, 44 and 53 to 55 inclusive of the indictment, constituting parts of Group One, "Crimes against Peace", parts of Group Two, "Murder," and Group Three, "Conventional War Crimes and Crimes against Humanity," insofar as they attempt to charge offenses committed against the Republic of Portugal, with the lawfully constituted government of which Japan was not at war during the times mentioned in the indictment, state no crime or offense justiciable by this Tribunal;

13. That the Tribunal's jurisdiction to try and punish "war criminals" being dependent upon Japan's capitulation putting an end to the state of hostilities theretofore existing, counts 1, 5, 26, 36, 44 and 51 of the indictment, constituting parts of Group One, "Crimes against Peace," and parts of Group Two, "Murder," insofar as they attempt to state offenses committed against the Mongolian Peoples Republic, with the lawfully constituted government of which Japan was not at war during the times mentioned in the indictment, state no crime or offense justiciable by this Tribunal;

14. That since the acts of commission or omission alleged in counts 1 to 47 inclusive and 51 to 55 inclusive of the indictment, constituting Group One, "Crimes against

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Peace," parts of Gr up Two, "Murder," and Group Three, "Conventional War Crimes and Crimes against Humanity," occurred while Japan and the other nations involved were at peace, and since such other nations did not treat such acts as crimes, but continued uninterrupted diplomatic relations with Japan, which continuance of diplomatic relations subsequent to such acts constituted a condonation, waiver or bar, they cannot now be treated as crimes, whether of nations or of individuals, and state no crime or offense justiciable by this Tribunal;

15. That since violations of the Covenant of the League of Nations occurring during time of peace were punishable and could have been punished under the provisions of the Covenant, counts 1 to 8 inclusive, 44 and 53 to 55 inclusive of the indictment, constituting parts of Group One, "Crimes against Peace," part of Group Two, "Murder," and Group Three, "Conventional War Crimes and Crimes against Humanity," insofar as they attempt to charge such offenses, state no justiciable crime or offense under the Covenant, international law or otherwise;

16. That since violations of the Covenant of the League of Nations occurring during time of peace were punishable and could have been punished under the provisions of the Covenant, by penalties or sanctions which could be, should have been and were invoked only by parties to such Covenant and not by strangers thereto, counts 1 to 8 inclusive, 44 and 53 to 55 inclusive of the indictment, constituting parts of Group One, "Crimes against Peace," part of Group Two, "Murder," and

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Group Three, "Conventional War Crimes and Crimes against Humanity," state no crime or offense justiciable by this Tribunal;

17. That since the Commonwealth of the Philippines is a part of the United States of America, counts 1, 4, 5, 13, 21, 30, 37, 38, 43, 44 and 53 to 55 inclusive, constituting parts of Group One, "Crimes against Peace," parts of Group Two, "Murder," and Group Three, "Conventional War Crimes and Crimes against Humanity," insofar as they attempt to charge offenses against the Commonwealth of the Philippines, are surplusage and should be stricken from the indictment.

WHEREFORE the defendants Hiranuma, Kiichiro, Matsuoka, Yosuke, Shigemitsu, Mamoru, Togo, Shigenori and Umezu, Yoshijiro, pray the dismissal of the indictment and the several counts thereof, together with such other or further relief as may be just in the premises.

HIRANUMA, Kiichiro

by Samuel J. Kleiman
Samuel J. Kleiman
Captain, AC

TOGO, Shigenori

by George Yamaoka
George Yamaoka

MATSUOKA, Yosuke

by Franklin E. N. Warren
Franklin E. N. Warren,
Major, AC

UMEZU, Yoshijiro

by Ben Bruce Blakeney
Ben Bruce Blakeney
Major, AC

SHIGEMITSU, Mamoru

by George M. Furness
George M. Furness
Captain, AC

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INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST

- 1 -

THE UNITED STATES OF AMERICA, et al

- VS -

ARAKI, Sadao, et al

- Defendants -

PLEA TO THE JURISDICTION AND MOTION TO DISMISS

AND NOW come the undersigned, Counsel for the defendants, Seishiro ITAGAKI, Heitaro KIMURA, Akira MUTO and Kenryo SATO, and deny the jurisdiction of this Tribunal and move that the indictment and all the counts thereof be dismissed on the grounds that:

A. The defendant MUTO as a member of the Armed Forces of Japan surrendered to the Armed Forces of the United States of America and the defendants ITAGAKI, KIMURA and SATO as members of the Armed Forces of Japan surrendered to the Armed Forces of the British Commonwealth of Nati ns, and that upon such surrenders each of the said defendants became a prisoner of war and remains in that status.

B. That no notice of this proceeding has been given the protecting power of Japan as required by Article 60 of the Geneva Convention.

C. That this Tribunal is not a court authorized to impose sentence upon any of them as provided in Article 63 of the Geneva Convention.

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D. That the procedure according to which they will be tried by this Tribunal under its Charter and under its Rules of Procedure is not the same procedure as in the case of persons belonging to the armed forces of the power to which each of them respectively surrendered or by which they are now being detained, as required by Article 63 of the Geneva Convention.

Hamada Ichizo
Counsel for Seishiro ITAGAKI

Tokusaburo Shiotara
Counsel for Heitaro KIMURA

George A. Furness, Capt. JA
Counsel for Akira MUTO

Ichiro Kiyose
Counsel for Kenryo SATO

PURL: http://www.legal-tools.org/doc/b49469/

D. That the procedure according to which they will be tried by this Tribunal under its Charter and under its Rules of Procedure is not the same procedure as in the case of persons belonging to the armed forces of the power to which each of them respectively surrendered or by which they are now being detained, as required by Article 63 of the Geneva Convention.

Hamada Hanzo
Counsel for Seishiro ITAGAKI

Takesaburo Shiobara
Counsel for Heitaro KIMURA

George A. Furness, Capt. JA
Hiroshi Ozaki,
Counsel for Akira MUTO

Ichiro Kiyose
Counsel for Kenryo SATO

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INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA, THE REPUBLIC OF CHINA, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, THE UNION OF SOVIET SOCIALIST REPUBLICS, THE COMMONWEALTH OF AUSTRALIA, CANADA, THE REPUBLIC OF FRANCE, THE KINGDOM OF THE NETHERLANDS, NEW ZEALAND, INDIA, AND THE COMMONWEALTH OF THE PHILIPPINES

-VS-

ARAKI, Sadao; DOHIHARA, Kanji; HASHIMOTO, Kingoro; HATA, Shunroku; HIRANUMA, Kiichiro; HIROTA, Koki; HOSHINO, Naoki; ITAGAKI, Seishiro; KAYA, Okinori; KIDO, Koichi: KIMURA, Heitaro: KOISO, Kuniaki; MATSUI, Iwane; MATSUOKA, Yosuke; MINAMI, Jiro: MUTO, Akira; NAGANO, Osami; OKA, Takasumi; OKAWA, Shumei; OSHIMA, Hiroshi; SATO, Kenryo; SHIGEMITSU, Mamoru; SHIMADA, Shigetaro; SHIRATORI, Toshio; SUZUKI, Teiichi; TOGO, Shigenori; TOJO, Hideki, UMEZU, Yoshijiro

Defendants

REQUEST FOR TEMPORARY PAROLE FOR ACCUSED KOKI HIROTA TO ATTEND THE FUNERAL OF HIS WIFE

COMES now the accused, KOKI HIROTA, by his counsel, TADASHI HANAI, and respectfully requests leave to this Honorable Tribunal as follows:

1. That the said KOKI HIROTA be granted a temporary parole in this emergency to authorize said prisoner to be absent from Sugamo Prison on the specific occasion of the funeral of his wife, who died at 19:45 hours, 18 May 1946. Said funeral to be conducted on or about the 21 May 1946, at his home in Kugenuma, Fujisawa City, Kanagawa Prefecture;

2. Said request is made subject to such restrictions as the Tribunal or the prison authorities may see fit to impose, calculated to insure prompt return upon termination of the emergency and as followed in previous cases of this nature:

3. That the Tribunal take such other action or proceedings as may be just in the premises.

TADASHI HANAI
Japanese Defense Counsel for
Koki Hirota

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INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA, THE REPUBLIC OF CHINA, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, THE UNION OF SOVIET SOCIALIST REPUBLICS, THE COMMONWEALTH OF AUSTRALIA, CANADA, THE REPUBLIC OF FRANCE, THE KINGDOM OF THE NETHERLANDS, NEW ZEALAND, INDIA, AND THE COMMONWEALTH OF THE PHILIPPINES

-VS-

ARAKI, Sadao; DOHIHARA, Kenji; HASHIMOTO, Kingoro; HATA, Shunroku; HIRANUMA, Kiichiro; HIROTA, Koki; HOSHINO, Naoki; ITAGAKI, Seishiro; KAYA, Okinori; KIDO, Koichi; KIMURA, Heitaro; KOISO, Kuniaki; MATSUI, Iwane; MATSUOKA, Yosuke; MINAMI, Jiro; MUTO, Akira; NAGANO, Osami; OKA, Takasumi; OKAWA, Shumei; OSHIMA, Hiroshi; SATO, Kenryo; SHIGEMITSU, Mamoru; SHIMADA, Shigetaro; SHIRATORI, Toshio; SUZUKI, Teiichi; TOGO, Shigenori; TOJO, Hideki; UMEZU, Yoshijiro

Defendants

APPLICATION FOR RECONSIDERATION OF REQUEST FOR TEMPORARY PAROLE FOR ACCUSED KOKI HIROTA TO ATTEND THE FUNERAL OF HIS WIFE

1. Koki Hirota, by his counsel Tadashi Hanai, respectfully asks that the Tribunal reconsider his request for a temporary parole to enable him to fulfill his funereal obligations to his wife who died at 1945 on the 18th day of May 1946. The public services were ended yesterday, 20 May 1946; however, the formal funeral is not complete according to Japanese religious customs until Koki Hirota, the husband of the deceased, pays his last respects at the remains of his wife. According to this custom the husband prays continuously for one whole day. These final services will be conducted at Koki Hirota's home in Kugenuma, Fujisawa City, Kanagawa Prefecture, about a three-hour automobile drive from the War Ministry Building, Tokyo.

2. To effectuate this request, Koki Hirota respectfully asks that both the Sugamo Prison authorities and the Provost Marshal of

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the Tribunal be appropriately directed, and he further states his willingness to submit to security restrictions which authorities responsible for his custody might wish to impose during the time he goes to, attends and returns from his wife's funeral.

3. Koki Hirota waives his right of being present at any of the open court proceedings which might take place while he is going to, attending or returning from his wife's funeral.

TADASHI HANAI
Japanese Defense Counsel for
Koki Hirota

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INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST

- 1 -

THE UNITED STATES OF AMERICA, et al

- VS -

ARAKI, Sadao, et al

- Defendants -

REQUEST FOR PRODUCTION OF WITNESSES

NOW COMES UMEZU Yoshijiro and requests the Tribunal, in accordance with Article 9(e) of the Charter, to order the production of the following witnesses necessary to his defense:

1. Lieutenant General HATA Hikozaburo (also known as HADA Hikozaburo)

a. The nationality of the witness is Japanese;

b. The address of the witness is unknown; his last official position was Chief of Staff of the Kwantung Army, and he was last reported as having surrendered to the Russian forces in Manchuria on or about 20 August 1945;

c. The facts to be proved by this witness are the policies, utterances and actions of the defendant UMEZU during the period that the witness was Chief of Staff of the Kwantung Army, of which the defendant UMEZU was Commander-in-Chief;

d. The relevance of the witness' testimony is in its tendency to establish that the defendant UMEZU took no part in any of the conspiracies alleged in the indictment, and was not responsible for the planning, initiating or waging of wars of aggression;

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e. The date upon which the attendance of the witness will be required to testify cannot be stated accurately; but his attendance for consultation with counsel is required forthwith;

2. Major General YAMAMOTO Moichiro (known also as YAMAMOTO Shigeichiro)

a. The nationality of the witness is Japanese.

b. The address of the witness is unknown; the last official position was Chief of Staff of the 16th Army in Java;

c. The facts to be proved by this witness are the policies, utterances and actions of the defendant UMEZU during the period that the witness was Secretary to the said defendant who was then Vice-Minister of War;

d. The relevance of the witness' testimony is in its tendency to establish that the defendant UMEZU took no part in any of the conspiracies alleged in the indictment and was not responsible for the planning, initiating or waging of wars of aggression;

e. The date upon which the attendance of witness will be required cannot be stated accurately; but his attendance for consultation with counsel is required forthwith;

3. Major General MATSUMURA Tomokatsu.

a. The nationality of the witness is Japanese;

b. The last official position of witness was Vice-Chief of Staff of the Kwantung Army and he is now believed to be a prisoner of war of the Russian forces in Manchuria;

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c. The facts to be proved by this witness are the policies, utterances and actions of the defendant UMEZU during the period that the witness was Chief of Operations Section of the staff of the Kwantung Army;

d. The relevance of the witness' testimony is in its tendency to establish that the defendant UMEZU took no part in any of the conspiracies alleged in the indictment and was not responsible for the planning, initiating or waging of wars of aggression;

e. The date upon which the attendance of witness will be required cannot be stated accurately; but his attendance for consultation with counsel is required forthwith;

4. Lieutenant General KASAHARA Yukio;

a. The nationality of the witness is Japanese;

b. The last official position of witness was commanding general of the 11th Army, and he is believed to be a prisoner of war of the Chinese forces;

c. The facts to be proved by this witness are the policies, utterances and actions of the defendant UMEZU during the period that the witness was Chief of Staff to the Kwantung Army, of which the defendant UMEZU was Commander-in-Chief;

d. The relevance of the witness' testimony is in its tendency to establish that the defendant UMEZU took no part in any of the conspiracies alleged in the indictment and was not responsible for the planning, initiating or waging of wars of aggression;

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e. The date upon which the attendance of witness will be required cannot be stated accurately; but his attendance for consultation with counsel is required forthwith;

5. Lieutenant General IIDA Shojiro;

a. The nationality of the witness is Japanese;

b. The last official position of witness was commanding general of the 3rd Army, and he is believed to be a prisoner of war of the Russian forces in Manchuria;

c. The facts to be proved by this witness are the policies, utterances and actions of the defendant UMEZU during the period that the witness was Chief of Staff to the Kwantung Army, of which the defendant UMEZU was Commander-in-Chief;

d. The relevance of the witness' testimony is in its tendency to establish that the defendant UMEZU took no part in any of the conspiracies alleged in the indictment and was not responsible for the planning, initiating or waging of wars of aggression;

e. The date upon which the attendance of witness will be required cannot be stated accurately; but his attendance for consultation with counsel is required forthwith.

UMEZU Yoshijiro

by

MIYAKE Shotaro

Ben Bruce Blakeney
Major, AC
His Counsel

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INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA, THE REPUBLIC OF CHINA, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, THE UNION OF SOVIET SOCIALIST REPUBLICS, THE COMMONWEALTH OF AUSTRALIA, CANADA, NETHERLANDS, NEW ZEALAND, INDIA, AND THE COMMONWEALTH OF THE PHILIPPINES

-vs-

ARAKI, Sadao; DOHIHARA, Kenji; HASHIMOTO, Kingoro; HATA, Shunroku; HIRANUMA, Kiichiro; HIROTA, Koki; HOSHINO, Naoki; ITAGAKI, Seishiro; KAYA, Okinori; KIDO, Koichi; KIMURA, Heitaro; KOISO, Kuniaki; MATSUI, Iwane; MATSUOKA, Yosuke; MINAMI, Jiro; MUTO, Akira; NAGANO, Osami; OKA, Takasumi; OKAWA, Shumei; OSHIMA, Hiroshi; SATO, Kenryo, SHIGEMITSU, Mamoru; SHIMADA, Shigetaro; SHIRATORI, Toshio; SUZUKI, Teiichi; TOGO, Shigenori; TOJO, Hideki; UMEZU, Yoshijiro,

Defendants.

REQUEST IN BEHALF OF THE ACCUSED, SHUMEI OKAWA

COME now Shinichi OHARA and Alfred W. Brooks, Defense Counsel appointed by the wife and legal representative for the accused, Shumei OKAWA, and respectfully request the International Military Tribunal for the Far East as follows:

1. That the Tribunal authorize and direct the transfer of Shumei OKAWA, who is of unsound mind, to the PSYCHIATRIC WARD of the TOKYO IMPERIAL UNIVERSITY HOSPITAL for proper care and treatment under the direction of Dr. YUSHI UCHIMURA, who agrees to be responsible for the custody and control, and treatment, of said patient subject to such further order of the Tribunal;

2. That the name of Shumei OKAWA be struck from the indictment, or proceedings in his case be stayed, until such time as he is mentally capable of pleading, and in condition to advise with counsel in the preparation of his defense and as to the procurement of evidence and witnesses in his behalf, and so he may be present

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at the cross examination of witnesses who may appear against him, and in order to have the opportunity to testify and to present a proper defense in a just and fair trial;

3. That the Tribunal take such other action or proceedings as may be just in the premises.

Shinichi OHARA
Chief Defense Counsel
for Shumei OKAWA

Alfred W. Brooks
Associate Counsel

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INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

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No. 1.

THE UNITED STATES OF AMERICA, et al

- VS -

ARAKI, Sadao, et al

- Defendants -

MOTION FOR BILL OF PARTICULARS

NOW COME all the defendants by their Japanese counsel, and join in the motion for a Bill of Particulars as presented, in its amended form, by American counsel for HIRANUMA, Kiichiro; MATSUOKA, Yosuke; SHIGEMITSU, Mamoru; TOGO, Shigenori; and UMEZU, Yoshijiro; and respectfully request the same particulars and information as is requested in such motion.

ARAKI, Sadao

by (s) Yutaka Sugahara
Yutaka Sugahara
Japanese Counsel

DOHIHARA, Kenji

by (s) Naoyoshi Tsukasaki
Naoyoshi Tsukasaki
Japanese Counsel

HASHIMOTO, Kingoro

by (s) Itsuro Hayashi
Itsuro Hayashi
Japanese Counsel

HATA, Shunroku

by (s) Masayoshi Kanzaki
Masayoshi Kanzaki
Japanese Counsel

HIRANUMA, Kiichiro

by (s) Rokuro Usami
Rokuro Usami
Japanese Counsel

HIROTA, Koki

by (s) Tadashi Hanai
Tadashi Hanai
Japanese Counsel

HOSHINO, Naoki

by (s) Goichiro Fujii
Goichiro Fujii
Japanese Counsel

ITAGAKI, Seishiro

by (s) Hanzo Yamada
Hanzo Yamada
Japanese Counsel

KAYA, Okinori

by (s) Tsuruo Takano
Tsuruo Takano
Japanese Counsel

KIDO, Koichi

by (s) Shigetaka Hozumi
Shigetaka Hozumi
Japanese Counsel

KIMURA, Heitaro

by (s) Tokisaburo Shiohara
Tokisaburo Shiohara
Japanese Counsel

KOISO, Kuniaki

by (s) Shohei Sammonji
Shohei Sammonji
Japanese Counsel

KIDO, Koichi
by
/s/ Shigetaka Hozumi
/s/ William Logan Jr.

PURL: http://www.legal-tools.org/doc/da1327/

MATSUI, Iwane

by (s) Koyoshi Ito
Kiyoshi Ito
Japanese Counsel

MATSUOKA, Yosuke

by (s) Shunzo Kobayashi
Shunzo Kobayashi
Japanese Counsel

MINAMI, Jiro

by (s) Kintaro Takenouchi
Kintaro Takenouchi
Japanese Counsel

MUTO, Akira

by (s) Shoichi Okamoto
Shoichi Okamoto
Japanese Counsel

NAGANO, Osami

by (s) Hachiro Okuyama
Hachiro Okuyama

OKA, Takasumi

by (s) Shinji Somiya
Shinji Somiya
Japanese Counsel

OKAWA, Shumei

by (s) Shinichi Ohhara
Shin-ichi Ohhara
Japanese Counsel

OSHIMA, Hiroshi

by (s) Naoyoshi Tsukasaki
Naoyoshi Tsukasaki
Japanese Counsel

SATO, Kenryo

by (s) Ichiro Kiyose
Ichiro Kiyose
Japanese Counsel

SHIGEMITSU, Mamoru

by (s) Kenzo Takayanagi
Kenzo Takayanagi
Japanese Counsel

SHIMADA, Shigetaro

by (s) Yoshitsugu Takahashi
Yoshitsugu Takahashi
Japanese Counsel

SHIRATORI, Toshio

by (s) Somei Uzawa
Dr. Somei Uzawa
Japanese Counsel

SUZUKI, Teiichi

by (s) Motokichi Hasegawa
Motokichi Hasegawa

TOGO, Shigenori

by (s) Shigetaka Hozumi
Shigetaka Hozumi
Japanese Counsel

TOJO, Hideki

by (s) Ichiro Kiyose
Ichiro Kiyose
Japanese Counsel

UMEZU, Yoshijiro

by (s) Shotaro Miyake
Shotaro Miyake
Japanese Counsel

the accused [illegible]

KIDO, Koichi
by
/s/ Shigetaka Hozumi

/s/ William Logan Jr.

PURL: http://www.legal-tools.org/doc/da1327/

Pages 133

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA, et al

3 June 1946

Prosecutors

- VS -

ARAKI, Sadao, et al

Defendants

REQUEST OF THE ACCUSED KIDO, KOICHI, FOR THE PRODUCTION OF A DOCUMENT PURSUANT TO SECTION III, ARTICLE 9, SUBSECTION "O" OF THE CHARTER OF THE INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST, DATED APRIL 26TH, 1946.

COMES NOW, KIDO, Koichi, by Shigetaka Hozumi and William Logan, Jr., counsel for the accused, KIDO, Koichi, appearing specially and in his behalf and request this Tribunal to enter the proper order for the production of the diary of KIDO, Koichi for the years 1930 to 1945 inclusive, and for the delivery of said diary to KIDO, Koichi; and in support thereof present to the court the following information:

1. That heretofore and on or about the 21st day of December 1945, the accused KIDO, Koichi, revealed to Lt. Colonel B. E. Sackett of the prosecution staff that he had a personal diary for the period of time from 1930 to 1945 inclusive and voluntarily offered to surrender to Lt. Colonel Sackett the said diary upon the promise and agreement of Lt. Colonel Sackett that the diary would be returned to him.

2. Lt. Colonel Sackett did promise and agree that the diary would be returned to said KIDO, Koichi as soon as possible and relying on said promise KIDO, Koichi shortly thereafter did cause to be delivered to said Lt. Colonel Sackett his diary for the years 1930 to 1945 inclusive.

3. Several requests by the attorneys for the accused KIDO, Koichi have been made recently of the attorneys for the prosecution for the return of said diary, but the attorneys for the prosecution have not yet returned said diary to KIDO, Koichi and it is still in their possession.

4. This diary contains many facts, historical events and statements which the accused KIDO, Koichi verily believes are material and relevant to his defens-

KIDO, Koichi
by
/s/ Shigetaka Hozumi
/s/ William Logan Jr.

PURL: http://www.legal-tools.org/doc/385f69/

Paper No. 134
Disposes of
Paper No. 133

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al

- vs -

ARAKI, SADAO; et al

) ORDER,
) ON THE REQUEST OF ACCUSED,
) KIDO, KOICHI: FOR THE
) PRODUCTION OF A DOCUMENT
) PURSUANT TO SECTION III,
) ARTICLE 9, SUBSECTION E OF
) THE CHARTER.

This matter coming before the Tribunal, Mr. Justice Webb, President of the Tribunal, sitting in the Conference Room, to hear the Request of accused, KIDO, Koichi, for the production of a document pursuant to Section III, Article 9, Subsection E, of the Charter. The accused, being represented by William Logan, Jr., his counsel, and the prosecution being represented by Joseph B. Keenan, Chief Counsel and C. Higgins, and the Court being fully advised in the premises, it is

ORDERED, that the request be and is hereby refused, the prosecution undertaking to furnish to the accused a copy of the excerpts from the diary translated into English and a photostatic copy of the diary when ready.

Dated at Tokyo, Japan, this 5 June 1946.

BY THE TRIBUNAL:

PRESIDENT

PURL: http://www.legal-tools.org/doc/dedb1b/

MO #21

Paper 148

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

No. 1

THE UNITED STATES OF AMERICA, et al

-VS-

ARAKI, Sadao, et al

12 June 1946

Defendants

NOW COME the defendants HIRANUMA, Kiichiro; KAYA, Okinori; SHIGEMITSU, Mamoru; SUZUKI, Teiichi, and UMEZU, Yoshijiro, by their respective Japanese counsel of record herein to let USAMI, Rokuro; TAKANO, Tsuruo; TAKAYANAGI, Kenzo; HASEGAWA, Motokichi, and MIYAKE, Shotaro, make known to the Tribunal that they desire and hereby apply to this Tribunal for leave therefor, to file herein on behalf of the above named defendants two motions, the first motion requesting this Honorable Tribunal to refer certain inquiries either to the Court of International Justice for an advisory opinion or in the alternative to a commission for inquiry and report; and the second motion, requesting this Honorable Tribunal to refer certain inquiries to certain authorities, etc., all as set forth in said motions, copies of which are attached hereto and made a part hereof.

permit the Prosecution to have temporary possession [illegible] upon the written request and the signing of a receipt by Capt. George C. Salmons or Lt. Joe B. Alexander who have been designated by the Prosecution to attend to this matter,

(SGD) CARLISLE A. HIGGINS
Acting Chief of Counsel

PURL: http://www.legal-tools.org/doc/f432a0/

Dated Tokyo, Japan

_____, 1946

HIRANUMA, Kiichiro

by

/s/ USAMI, Rokuro
USAMI, Rokuro
Japanese Counsel

KAYA, Okinori

by

/s/ TAKANO, Tsuruo
TAKANO, Tsuruo
Japanese Counsel

SHIGEMITSU, Mamoru

by

/s/ TAKAYANAGI, Kenzo
TAKAYANAGI, Kenzo
Japanese Counsel

SUZUKI, Teiichi

by

/s/ HASEGAWA, Motokichi
HASEGAWA, Motokichi
Japanese Counsel

UMEZU, Yoshijiro

by

/s/ MIYAKE, Shotaro
MIYAKE, Shotaro
Japanese Counsel

permit the Prosecution to have temporary possession --

upon the written request and the signing of a receipt by Capt. George C. Salmons or Lt. Joe B. Alexander who have been designated by the Prosecution to attend to this matter,

(SGD) CARLISLE E. HIGGINS
Acting Chief of Counsel

PURL: http://www.legal-tools.org/doc/f432a0/

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

NO.1

UNITED STATES OF AMERICA, et al

Prosecutors

-Against-

ARAKI, Sadao et al

Defendants

APPLICATION FOR LEAVE TO FILE THE WITHIN APPLICATION DATED THE 15 DAY OF JULY, 1946

The above-mentioned Prosecutors apply to the International Military Tribunal for the Far East, for leave to file the hereunto attached application, and request that the matter be set for hearing at the earliest convenient date.

Dated, Tokyo,

15 July, 1946.

(SGD) CARLISLE A. HIGGINS

CARLISLE A. HIGGINS
Acting Chief of Counsel

permit the Prosecution to have temporary possession upon the written request and the signing of a receipt by Capt. George C. Salmons or Lt. Joe B. Alexander who have been designated by the Prosecution to attend to this matter,

(SGD) CARLISLE A. HIGGINS
Acting Chief of Counsel

PURL: http://www.legal-tools.org/doc/98e62f/

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

- - - - -

NO.1

UNITED STATES OF AMERICA et al,

Prosecutors

-against-

ARAKI, Sadao, et al.,

Defendants.

APPLICATION FOR LEAVE TEMPORARILY TO WITHDRAW CERTAIN EXHIBITS.

The 15th day of July, 1946.

The above-mentioned prosecutors apply to the International Military Tribunal for the Far East for an order permitting the prosecutors to withdraw from the custody of the Secretariat, temporarily, from time to time, certain documents which have heretofore been or may hereafter be introduced as evidence in this case, and other documents which are and may be in the possession of the Secretariat for safekeeping under orders heretofore made by the Tribunal for the purpose of making copies of certain portions of such documents for subsequent introduction in evidence.

The documents in respect of which this application is made are documents portions of which have heretofore been or hereafter may be introduced as evidence in the case but of which the entire document has not been introduced. It has been ascertained in preparation for subsequent phases of the case that it is necessary to process and translate additional portions of such documents. Those which will from time to time be requested are those documents only of which the Prosecution does not have copies.

It is further requested that the Secretariat be directed to permit the Prosecution to have temporary possession of such documents upon the written request and the signing of a receipt by Capt. George C. Salmons or Lt. Joe B. Alexander who have been designated by the Prosecution to attend to this matter,

(SGD) CARLISLE A. HIGGINS
Acting Chief of Counsel

PURL: http://www.legal-tools.org/doc/999abd/

TO - .

The General Secretary,
International Military Tribunal for the Far East,

AND TO

The Defendants

PURL: http://www.legal-tools.org/doc/999abd/

INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST

Received Nov 15 2 (1)

THE UNITED STATES OF AMERICA, et al

vs

ARAKI, Sadao, et al

- Defendants -

REQUEST FOR PRODUCTION OF WITNESSES

A. NOW COMES ARAKI, Sadao and requests the Tribunal, in accordance with Section III, Article 9 (e) of the Charter, to order the production of the following witnesses necessary for his defense:

(1) KOMURA, Sakahiko;

(a) The nationality of the witness is Japanese;

(b) He is presently in Tokyo and is a government official in the Home Office;

(2) FUTAARA, Yoshinori;

(a) The nationality of the witness is Japanese;

(b) He is presently in Tokyo and is a member of the Upper House;

(3) KITA, Reikichi;

(a) The nationality of the witness is Japanese;

(b) He is presently in Tokyo and is a member of the Lower House;

(4) YASUI, Eiji;

(a) The nationality of the witness is Japanese and an ex-Education Minister;

(b) This witness may be located in Kanagawa Prefecture;

(5) SAWADA, (Mrs.) Renzo;

(a) The nationality of the witness is Japanese and the wife of the ex-Ambassador SAWADA;

(b) This witness may be located in Kanagawa Prefecture;

(6) HATOYAMA, Ichiro;

(a) The nationality of the witness is Japanese and an

PURL: http://www.legal-tools.org/doc/86d8c1/

ex-Education Minister;

(b) This witness may be located in Tokyo.

(7) MITSUCHI, Chuzo;

(a) The nationality of the witness is Japanese and an ex-Railway Minister;

(b) This witness may be located in Tokyo;

(8) YAMAOKA, Juko;

(a) The nationality of the witness is Japanese and an ex-Lieutenant General;

(b) This witness may be located in Eihimi Prefecture;

(9) MURAKAMI, Keisaki;

(a) The nationality of the witness is Japanese and an ex-Lieutenant General;

(b) This witness was in Manchuria at the end of the war and is now believed to be a prisoner of war of the Soviet Union;

(10) MUDAGUCHI, Renya;

(a) The nationality of the witness is Japanese and an ex-Lieutenant General;

(b) This witness is believed to be in Singapore, having been sent there from Tokyo in September by the Allies;

(11) MAZAKI, Jinsaburo;

(a) The nationality of the witness is Japanese and an ex-General;

(b) This witness may be located in Sugamo Prison, Tokyo;

(12) HORIKIRI, Zenjiro;

(a) The nationality of the witness is Japanese and an ex-Chief of the Cabinet Secretariat;

(b) This witness may be located in Tokyo;

PURL: http://www.legal-tools.org/doc/86d8c1/

(13) ARIYOSHI, Chuichi;

(a) The nationality of the witness is Japanese and an ex-Ambassador to China;

(b) This witness may be located in Tokyo;

(14) UEDA, Kenkichi;

(a) The nationality of the witness is Japanese and an ex-General;

(b) This witness may be located in Tokyo;

(15) HANEDA, Toru;

(a) The nationality of the witness is Japanese and an ex-President, Kyoto Imperial University;

(b) The witness may be located in Kyoto;

(16) YONAI, Mitsumasa;

(a) The nationality of the witness is Japanese and an ex-Premier;

(b) This witness may be located in Tokyo;

(17) KANAMORI, Tokujiro;

(a) The nationality of the witness is Japanese and Minister of State;

(b) This witness may be located in Tokyo;

(18) HUNT, Frazier;

(a) The nationality of the witness is American and a journalist;

(b) This witness was a special correspondent for the International News Service in Japan during the year 1932 and is believed to be at present in the United States of America;

(19) PIGGOT, Major General;

(a) The nationality of the witness is British and is an ex-Military Attache to the British Embassy in Japan;

PURL: http://www.legal-tools.org/doc/86d8c1/

(b) This witness may be located in London;

(20) LINDLEY, ex-Ambassador;

(a) The nationality of the witness is British and is an ex-British Ambassador to Japan;

(b) This witness can be located in England;

(21) IKEZAKI, Tadataka;

(a) The nationality of the witness is Japanese and an ex-Parliamentary Councillor of the Education Office;

(b) This witness can be located in Sugamo Prision, Tokyo;

(22) MIZUNO, Shinko;

(a) The nationality of the witness is Japanese and is Chief of the Movie Section of the Tokyo Mainichi Newspaper;

(b) This witness may be located in Tokyo;

(23) KINOSHITA, Takeshi;

(a) The nationality of the witness is Japanese and is President of the Kagoshima Newspaper;

(b) This witness may be located in Kagoshima Prefecture;

(24) RYU, Kuratsugu;

(a) The nationality of the witness is Japanese and is an ex-Major General;

(b) This witness may be located at the Kumamoto Prefecture;

(25) TAKAGI, Rikuro;

(a) The nationality of the witness is Japanese and is a business man;

(b) This witness may be located in Tokyo;

(26) BYAS, Hugh;

(a) The nationality of the witness is British and was Staff Correspondent in Japan of the "Times" of London and New York during the year 1931;

PURL: http://www.legal-tools.org/doc/86d8c1/

(b) This witness may be located in London, England;

(27) KOYAMA, Matsukichi;

(a) Minister of Justice, Tokyo;

B. The defendant ARAKI further requests the Tribunal, in accordance with Section III, Article 9 (e) of the Charter, to order the production of the following documents necessary for his defense:

	DOCUMENT	LOCATION
1.	Stenographic Record of main Session of Privy Council on January 30, 1932	Privy Council Office
2.	Stenographic Record of 60th Session of Diet (Upper House)	Upper House Office
3.	Stenographic Record of 61st Session of Diet (Upper House)	Upper House Office
4.	Stenographic Record of 62nd Session of Diet (Upper House)	Upper House Office
5.	Stenographic Record of 63rd Session of Diet (Upper House)	Upper House Office
6.	Stenographic Record of 64th Session of Diet (Upper House)	Upper House Office
7.	Stenographic Record of 74th Session of Diet (Upper House)	Upper House Office
8.	Stenographic Record of 62nd Session of Diet (Lower House)	Lower House Office
9.	Copy of New York Times, Mar. 12, 1933, containing the article, "Man of Affairs in Japan."	New York City
10.	Copy of Hugh Byas' broadcast of Dec. 2, 1931 on the Manchurian problem;	Broadcasting Station, JOAK, Tokyo
11.	Copy of Frazier Hunt's broadcast of June 2, 1932 entitled "Japan in Transition."	Broadcasting Station JOAK, Tokyo
12.	Copy of Hugh Byas' interview with General ARAKI on June 16, 1932 concerning China and Manchuria;	London and/or New York Times
13.	Copy of any article which appeared in the New York or London Times as a result of Hugh Byas' interview with General ARAKI on January 16, 1932;	London and/or New York Times

PURL: http://www.legal-tools.org/doc/86d8c1/

14.	Stenographic Record of the Upper House on January 31, 1939;	Upper House Office
15.	Stenographic Record of the Upper House on February 19, 1939;	Upper House Office
16.	Stenographic Record of the Upper House on March 7, 1939.	Upper House Office

C. The facts to be proved by these witnesses and documents are the policies, utterances, actions and intent of the accused ARAKI during the time in which he is charged by the Indictment;

D. The revelance of the testimony of these witnesses, all of whom were associated with the accused ARAKI in various capacities during the time charged in the Indictment is, in its tendency to establish that the accused ARAKI took no part in any of the conspiracies charged to him; and was not in any way connected with the planning, initiating or waging of wars of aggression; and was, furthermore, in no way connected with the commission of any crimes against peace;

E. The date upon which attendance of the witnesses will be required for testifying cannot at this time be stated accurately but their attendance for consultation with defense counsel is required forthwith.

ARAKI, Sadao

By

_____

SUGAHARA, Yataka

_____

Lawrence J. McManus

PURL: http://www.legal-tools.org/doc/86d8c1/

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INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

24 June 1946

THE UNITED STATES OF AMERICA, et al
Prosecutors
- VS -
ARAKI, Sadao, et al
Defendants

REQUEST OF THE ACCUSED HATA, SHUNROKU, FOR THE PRODUCTION OF A WITNESS PURSUANT TO SECTION III, ARTICLE 9, SUBSECTION "e" OF THE CHARTER OF THE INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST, DATED 26 APRIL, 1946.

COMES NOW, HATA, Shunroku, by Masayoshi Kanzaki and 1st Lt. Aristides G. Lazarus, U.S. Marine Corps, Counsel for the accused HATA, Shunroku, and requests this Tribunal to enter the proper order for the production of Hikosaburo Hata as a witness before this Tribunal and in support thereof presents to the court the following information:

1. Hikosaburo Hata, then a Lieutenant General in the Japanese Army, was Chief of Staff of the Kwantung Army when Russia entered the war.

2. Nothing further is known of him since that time.

3. The appearance of the witness Hikosaburo Hata is necessary to prove that the Hata mentioned in many of the counts of the indictment is in fact Hikosaburo Hata, the Lieutenant General and not Shunroku Hata, the Field Marshall, who is the accused now before this Tribunal.

4. Through the witness Hikosaburo Hata, the accused Shunroku Hata will prove conclusively the facts of mistaken identity.

HATA, Shunroku
by
S/
Masayoshi Kanzaki

S/
1st Lt. Aristides G. Lazarus
U.S. Marine Corps

PURL: http://www.legal-tools.org/doc/84f345/

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INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST.

No. 1.

UNITED STATES OF AMERICA AND ORS.

Prosecutors

- AGAINST -

ARAKI, Sadao AND ORS.

Defendants.

APPLICATION UNDER RULE 6(b)(1) OF THE RULES OF PROCEDURE OF THE INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST.

The day of July, 1946.

The abovementioned prosecutors apply to the International Military Tribunal for the Far East for an order dispensing with compliance with Rule 6(b)(1) of the Rules of Procedure of the said Tribunal and permitting the said prosecutors to copy excerpts from the documents hereunder mentioned instead of copying the whole of the said documents.

The said documents are as follows:-

1. Affidavits, statements and reports of persons who were prisoners of war civilian internees and inhabitants of territories occupied by the Japanese forces and official reports of investigating officers. The said affidavits, statements and reports number approximately 650. Some of the said affidavits, statements and reports contain as many as 100 pages, while others are comparatively short. They were obtained for the purpose of compiling a report on the conditions of prisoners of war, civil internees and native inhabitants of occupied territories, and in almost every case deal with more than one camp or area. Excerpts have been made from the said documents so as to eliminate the unnecessary repetition of matters which are contained in other evidentiary material. The prosecution intends to offer in evidence excerpts totalling approximately 1,500 pages. The copying of such excerpts commenced in February, 1946, and a large number had been completed before rule 6(b) was promulgated on 25th April, 1946, and before the said rule was amended on 20th May, 1946. One hundred

PURL: http://www.legal-tools.org/doc/3a4ea2/

copies of approximately 800 pages of excerpts have been so completed, making a total of 80,000 pages of copies. If the prosecution is required to copy the whole of each affidavit, statement and report, it is estimated that at least 10,000 pages will require to be copied 100 times, making a total of 1,000,000 pages. If literal compliance with rule 6(b)(1) is required, all the copying completed to date will be useless. The persons making the said affidavits, statements and reports are not in Japan, most of them being in the United States of America, Australia and England, and it is not intended to produce them for the Tribunal. The original of each document will be lodged with the secretariat and will be available to the defence.

2. Official A. T. I. S. (Allied Translator and Interpreter Section) reports. These documents average approximately 100 pages each and the excerpts intended to be used by the prosecutors amount to approximately one page in each report.

3. Dossier concerning examination of the case against Kunito Hatakeyama and Ken-ichi Nakagawa. This transcript is 354 pages in length in its English version and contains, in addition to the excerpts which the prosecutors intend to use, plans and evidence which can in no way assist the Tribunal. The said excerpts contain the complete evidence of the two abovementioned Japanese who were eye-witnesses of the massacre of prisoners of war at Laha, Ambon, and are 50 pages in length.

(SGD.) CARLISLE HIGGINS
Acting Chief of Counsel.

TO -

The General Secretary,
International Military Tribunal for the Far East,

AND TO -

The Defendants.

PURL: http://www.legal-tools.org/doc/3a4ea2/

INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST

Received Nov 15 2 (1)

THE UNITED STATES OF AMERICA, et al

vs

ARAKI, Sadao, et al

- Defendants -

REQUEST FOR PRODUCTION OF WITNESSES

A. NOW COMES ARAKI, Sadao and requests the Tribunal, in accordance with Section III, Article 9 (e) of the Charter, to order the production of the following witnesses necessary for his defense:

(1) KOMURA, Sakahiko;

(a) The nationality of the witness is Japanese;

(b) He is presently in Tokyo and is a government official in the Home Office;

(2) FUTAARA, Yoshinori;

(a) The nationality of the witness is Japanese;

(b) He is presently in Tokyo and is a member of the Upper House;

(3) KITA, Reikichi;

(a) The nationality of the witness is Japanese;

(b) He is presently in Tokyo and is a member of the Lower House;

(4) YASUI, Eiji;

(a) The nationality of the witness is Japanese and an ex-Education Minister;

(b) This witness may be located in Kanagawa Prefecture;

(5) SAWADA, (Mrs.) Renzo;

(a) The nationality of the witness is Japanese and the wife of the ex-Ambassador SAWADA;

(b) This witness may be located in Kanagawa Prefecture;

(6) HATOYAMA, Ichiro;

(a) The nationality of the witness is Japanese and an

PURL: http://www.legal-tools.org/doc/b957b4/

ex-Education Minister;

(b) This witness may be located in Tokyo.

(7) MITSUCHI, Chuzo;

(a) The nationality of the witness is Japanese and an ex-Railway Minister;

(b) This witness may be located in Tokyo;

(8) YAMAOKA, Juko;

(a) The nationality of the witness is Japanese and an ex-Lieutenant General;

(b) This witness may be located in Eihimi Prefecture;

(9) MURAKAMI, Keisaki;

(a) The nationality of the witness is Japanese and an ex-Lieutenant General;

(b) This witness was in Manchuria at the end of the war and is now believed to be a prisoner of war of the Soviet Union;

(10) MUDAGUCHI, Renya;

(a) The nationality of the witness is Japanese and an ex-Lieutenant General;

(b) This witness is believed to be in Singapore, having been sent there from Tokyo in September by the Allies;

(11) MAZAKI, Jinsaburo;

(a) The nationality of the witness is Japanese and an ex-General;

(b) This witness may be located in Sugamo Prison, Tokyo;

(12) HORIKIRI, Zenjiro;

(a) The nationality of the witness is Japanese and an ex-Chief of the Cabinet Secretariat;

(b) This witness may be located in Tokyo;

PURL: http://www.legal-tools.org/doc/b957b4/

(13) ARIYOSHI, Chuichi;

(a) The nationality of the witness is Japanese and an ex-Ambassador to China;

(b) This witness may be located in Tokyo;

(14) UEDA, Kenkichi;

(a) The nationality of the witness is Japanese and an ex-General;

(b) This witness may be located in Tokyo;

(15) HANEDA, Toru;

(a) The nationality of the witness is Japanese and an ex-President, Kyoto Imperial University;

(b) The witness may be located in Kyoto;

(16) YONAI, Mitsumasa;

(a) The nationality of the witness is Japanese and an ex-Premier;

(b) This witness may be located in Tokyo;

(17) KANAMORI, Tokujiro;

(a) The nationality of the witness is Japanese and Minister of State;

(b) This witness may be located in Tokyo;

(18) HUNT, Frazier;

(a) The nationality of the witness is American and a journalist;

(b) This witness was a special correspondent for the International News Service in Japan during the year 1932 and is believed to be at present in the United States of America;

(19) PIGGOT, Major General;

(a) The nationality of the witness is British and is an ex-Military Attache to the British Embassy in Japan;

PURL: http://www.legal-tools.org/doc/b957b4/

(b) This witness may be located in London;

(20) LINDLEY, ex-Ambassador;

(a) The nationality of the witness is British and is an ex-British Ambassador to Japan;

(b) This witness can be located in England;

(21) IKEZAKI, Tadataka;

(a) The nationality of the witness is Japanese and an ex-Parliamentary Councillor of the Education Office;

(b) This witness can be located in Sugamo Prision, Tokyo;

(22) MIZUNO, Shinko;

(a) The nationality of the witness is Japanese and is Chief of the Movie Section of the Tokyo Mainichi Newspaper;

(b) This witness may be located in Tokyo;

(23) KINOSHITA, Takeshi;

(a) The nationality of the witness is Japanese and is President of the Kagoshima Newspaper;

(b) This witness may be located in Kagoshima Prefecture;

(24) RYU, Kuratsugu;

(a) The nationality of the witness is Japanese and is an ex-Major General;

(b) This witness may be located at the Kumamoto Prefecture;

(25) TAKAGI, Rikuro;

(a) The nationality of the witness is Japanese and is a business man;

(b) This witness may be located in Tokyo;

(26) BYAS, Hugh;

(a) The nationality of the witness is British and was Staff Correspondent in Japan of the "Times" of London and New York during the year 1931;

PURL: http://www.legal-tools.org/doc/b957b4/

(b) This witness may be located in London, England;

(27) KOYAMA, Matsukichi;

(a) Minister of Justice, Tokyo;

B. The defendant ARAKI further requests the Tribunal, in accordance with Section III, Article 9 (e) of the Charter, to order the production of the following documents necessary for his defense:

	DOCUMENT	LOCATION
1.	Stenographic Record of main Session of Privy Council on January 30, 1932	Privy Council Office
2.	Stenographic Record of 60th Session of Diet (Upper House)	Upper House Office
3.	Stenographic Record of 61st Session of Diet (Upper House)	Upper House Office
4.	Stenographic Record of 62nd Session of Diet (Upper House)	Upper House Office
5.	Stenographic Record of 63rd Session of Diet (Upper House)	Upper House Office
6.	Stenographic Record of 64th Session of Diet (Upper House)	Upper House Office
7.	Stenographic Record of 74th Session of Diet (Upper House)	Upper House Office
8.	Stenographic Record of 62nd Session of Diet (Lower House)	Lower House Office
9.	Copy of New York Times, Mar. 12, 1933, containing the article, "Man of Affairs in Japan."	New York City
10.	Copy of Hugh Byas' broadcast of Dec. 2, 1931 on the Manchurian problem;	Broadcasting Station, JOAK, Tokyo
11.	Copy of Frazier Hunt's broadcast of June 2, 1932 entitled "Japan in Transition."	Broadcasting Station JOAK, Tokyo
12.	Copy of Hugh Byas' interview with General ARAKI on June 16, 1932 concerning China and Manchuria;	London and/or New York Times
13.	Copy of any article which appeared in the New York or London Times as a result of Hugh Byas' interview with General ARAKI on January 16, 1932;	London and/or New York Times

PURL: http://www.legal-tools.org/doc/b957b4/

14.	Stenographic Record of the Upper House on January 31, 1939;	Upper House Office
15.	Stenographic Record of the Upper House on February 19, 1939;	Upper House Office
16.	Stenographic Record of the Upper House on March 7, 1939.	Upper House Office

C. The facts to be proved by these witnesses and documents are the policies, utterances, actions and intent of the accused ARAKI during the time in which he is charged by the Indictment;

D. The revelance of the testimony of these witnesses, all of whom were associated with the accused ARAKI in various capacities during the time charged in the Indictment is, in its tendency to establish that the accused ARAKI took no part in any of the conspiracies charged to him; and was not in any way connected with the planning, initiating or waging of wars of aggression; and was, furthermore, in no way connected with the commission of any crimes against peace;

E. The date upon which attendance of the witnesses will be required for testifying cannot at this time be stated accurately but their attendance for consultation with defense counsel is required forthwith.

ARAKI, Sadao

By

_____

SUGAHARA, Yataka

_____

Lawrence J. McManus

PURL: http://www.legal-tools.org/doc/b957b4/

Rec'd Nov 15
2(i)

INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST

THE UNITED STATES OF AMERICA; et al

- vs -

ARAKI, Sadao; et al

- Defendants -

REQUEST FOR PRODUCTION OF WITNESSES

1. NOW COMES HATA, Shunroku and requests the Tribunal, in accordance with Article 9(e) of the Charter, to order the production of the following witnesses and documents necessary to his defense:

A. The Shanghai Nippo, a newspaper published in the city of Shanghai, China in the Japanese language. The issues desired are:

1 February 1938 to 20 December 1938 and 1 March 1941 to 22 November 1944

B. Shanghai Nichi Nichi, a newspaper published in city of Shanghai, China in the Japanese language. The issues desired are:

1 February 1938 to 20 December 1938 and 1 March 1941 to 22 November 1944

C. Tairiku Shinpo, a newspaper published in city of Shanghai, China in the Japanese language. The issues desired are:

1 February 1938 to 28 February 1939 and 1 March 1941 to 22 November 1944

Articles in the desired issues of the above-mentioned newspapers will prove issuance of instructions by petitioner to his troops on conduct toward civilians.

PURL: http://www.legal-tools.org/doc/48c42b/

D. Log (or photostatic copy thereof) of all American naval vessels including gunboats that were in vicinity of Hankow from 25 October to 30 October 1938. These documents will be used to show the absence of atrocities at the fall of Hankow and will contradict the evidence already presented to the Tribunal by a witness for the prosecution.

E. The records, or other files of the U.S. 14th Air Force of its missions over Changsha, Hengyang, Kweilin and Liuchow June 1944, August 1944, October 1944 and November 1944. These records will be used to show that the destruction of property and the loss of civilian lives imputed to the Japanese forces was at least partly accounted for by actions of the said Air Force.

F. The book entitled "Record of the Facts of Illegal Acts and Resistance Accompanied with Destruction Committed by the Chinese Communists." This book was published by the Military Committee of the Chungking Government in the year 1938. This book will be used to show that much, if not all, the property destruction and the loss of civilian lives imputed to the Japanese forces in China was caused by the Communist forces in China. The book, despite the best efforts of counsel for the petitioner, cannot be procured in Japan but it is believed that copies of said book can be secured from the Chinese government.

G. The order of the Chungking government for the beginning of Guerilla Warfare against the Japanese forces in China. This order was promulgated in or about the year 1938. This order and the directions for the waging of Guerilla

PURL: http://www.legal-tools.org/doc/48c42b/

Warfare behind Japanese lines and the pursuit of the "Scorched - Earth Policy" in advance of the Japanese troops will be used to prove that much of the destruction imputed to the Japanese forces in China was in fact done by the Chinese themselves in obedience to said order.

H. Appendix to the book "Instructions In Important Strategic Affairs" a Japanese military book issued by the Japanese military authorities. Despite best efforts of counsel for the petitioner, a copy of the book cannot be found.

I. The book "Instructions on Chemical Warfare". This book is a Japanese military book and despite best efforts of counsel for petitioner a copy has not yet been found. It is believed the prosecution has a copy.

J. A copy of every trial for atrocities or mistreatment of prisoners of war in which former members of Japanese military forces have been the accused before American military tribunals in China since the termination of hostilities. Excerpts from the evidence adduced at those trials will be used to show that the petitioner Hata always gave instructions for the proper treatment of civilians and prisoners of war in accordance with the conventions. Further, excerpts from these trials will be used to show that individual commanders failed to obey instructions of petitioner and were responsible for any illegal acts which may have occurred. Excerpts will also be used to show the scope of authority of petitioner over area commanders while he was commander of the expeditionary forces in China.

K. A copy of every trial for atrocities or mistreatment of

PURL: http://www.legal-tools.org/doc/48c42b/

prisoners of war in which former members of Japanese military forces have been the accused before Chinese tribunals in China since the termination of hostilites. Excerpts from the evidence adduced at these trials will be used to show that the petitioner Hata always gave instructions for the proper treatment of civilians and prisoners of war in accordance with the conventions. Further, excerpts from these trials will be used to show that individual commanders failed to obey instructions of petitioner and were responsible for any illegal acts which may have occurred. Excerpts will also be used to show the scope of authority of petitioner over area commanders while he was commander of the expeditionary forces in China.

L. The reports, or a copy thereof, of the American Military Attaches in China for the year 1938 and the years 1941-44, inclusive, with particular reference to the fall and occupation of the cities of Changsha, Hengyang, Kweilin and Liuchow. Excerpts from these reports will be used to show the petitioner was at all times a strict disciplinarian, kept his troops under strict control, consequently, avoided pillaging, looting, raping and destruction in the cities occupied by forces under his command.

M. The reports of the American Military Attaches in Tokyo for the years 1939 and 1940. These reports will be used to prove that petitioner, while War Minister, did not support the Tri-Partite Pact as charged.

N. Father Jaquinot, a French Catholic priest now in Shangahi or Nanking. Father Jaquinot guided the Japanese forces

PURL: http://www.legal-tools.org/doc/48c42b/

when they entered the city of Hankow in October 1938 and will testify on the conduct of the Japanese troops there.

O. A man named Egley (Christian name unknown) a Swiss national, member of International Red Cross, and now in Shanghai as a member of the Swiss Legation or Consulate there. He will testify as to the treatment by the Japanese forces of the prisoners of war in China.

P. Lt. General Saburo Kawamura, a Japanese national, presently located at Singapore or Java as a prisoner of war. The witness was Chief of Military Affairs Section when petitioner was War Minister and will testify with reference to the Wang Ching Wei regime in Nanking and it relations with the Japanese military forces in China.

Q. Major General Nichio Kato, a Japanese national who is believed to be a prisoner of war of the Russians. He was secretary of War Ministry when petitioner was War Minister. He will testify as to the actions and utterances of petitioner when petitioner was War Minister.

4 November 1946

HATA, Shunroku

by

KANZAKI, Masayoshi

Aristides George Lazarus

PURL: http://www.legal-tools.org/doc/48c42b/

INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST

Read ltr Nov 22 para 1(1)

THE UNITED STATES OF AMERICA, et al

- vs -

ARAKI, Sadao, et al

- Defendants -

REQUEST FOR PRODUCTION OF WITNESSES

1. NOW COMES DOHIHARA, Kenji and respectfully requests the Tribunal, in accordance with Article 9 (e) of the Charter and the Order of the Tribunal dated at Tokyo, Japan, 24 October 1946, bearing Paper No. 492, to order the production of the following witnesses necessary to his defense:

A. Major General SENDA, Moritoshi;

(a) The nationality of the witness is Japanese;

(b) He was Commander of the 81st Division, Compound and Independent Corps, Changsha, China, at the end of the war and it is believed he is still there as a prisoner of war of the Chinese.

(c) This witness was associated with the accused in arranging the agreement between him and Chin Te-chun and Sung Che-yuan, relating to the establishment of the Hopei Political Committee and his other activities in the North China area.

(d) The testimony of this witness to the defense of the accused is believed to be relevant and is principally concerned with Counts Nos. 18 and 19 of the Indictment.

B. Gendarme Colonel MORIKI, Goro;

(a) The nationality of the witness is Japanese;

(b) He was the Gendarme Colonel of the Prison for War Criminals, 11th District, Peking, China at the end of the war and it is believed he is still there as a prisoner of war of the Chinese.

(c) The facts to be proved by the witness relate to the testimony of Henry Pu-yi, who was a witness in this proceeding. This witness was an associate of the accused during the negotiations with said Pu-yi and is familiar with the facts and circumstances relating thereto.

(d) The testimony of this witness is believed to be relevant and specifically is concerned with Counts 18 and 19 of the Indictment.

PURL: http://www.legal-tools.org/doc/679ada/

C. Lieutenant General MUTRA, Chujiro;

(a) The nationality of the witness is Japanese;

(b) He was Commander of the 69th Division, Unjo, China at the end of the war and it is believed he is still there as a prisoner of war of the Chinese.

(c) The facts to be proved by this witness relate to the testimony of Henry Pu-yi, who was a witness in this proceeding. This witness also was an associate of the accused during the negotiations with said Pu-yi and is familiar with the facts and circumstances relating thereto.

(d) The testimony of this witness is believed to be relevant and specifically is concerned with Counts Nos. 18 and 19 of the Indictment.

D. Lieutenant General TAKAHASHI, Tan;

(a) The nationality of the witness is Japanese;

(b) He was the Chief of Staff of the North China Army at the end of the war and it is believed he is still in China as a prisoner of war of the Chinese.

(c) The facts to be proved by this witness relate to the testimony of Henry Pu-yi, who was a witness in this proceeding. This witness was an associate of the accused during the negotiations with said Pu-yi and is familiar with the facts and circumstances relating thereto.

(d) The testimony of this witness is believed to be relevant and specifically is concerned with Counts Nos. 18 and 19 of the Indictment.

E. Major General MIYAZAKI, Shigesaburo;

(a) The nationality of the witness is Japanese;

(b) He was Commander of the 54th Division, Burma at the end of the war and it is believed he is still there as a prisoner of war of the British.

(c) The facts to be proved by this witness relate to the testimony of John Powell, who was a witness in this proceeding, concerning the negotiations of the accused with Ma Chan-shan. This witness is familiar with the facts and circumstances relating thereto.

(d) The testimony of this witness is believed to be relevant and specifically is concerned with Counts Nos. 18 and 19 of the Indictment.

F. Lieutenant General NAKAMURA, Hajime;

(a) The nationality of the witness is Japanese;

PURL: http://www.legal-tools.org/doc/679ada/

(b) He served under the accused during the North China campaign and is at present believed to be in Japan but his present address is unknown although it is under investigation.

(c) The facts to be proved by this witness relate to the North China campaign and other activities of the accused in China in 1943.

(d) The testimony of this witness is believed to be relevant and is principally concerned with Counts Nos. 18 and 19 of the Indictment.

G. Lieutenant Colonel MINEMORI, Shutaro;

(a) The nationality of the witness is Japanese;

(b) He served under the accused during the North China campaign and is at present believed to be in Japan. His present address is unknown but it is under investigation.

(c) The facts to be proved by this witness relate to the North China campaign and other activities of the accused in China in 1943.

(d) The testimony of this witness is believed to be relevant and is principally concerned with Counts Nos. 18 and 19 of the Indictment.

H. Lieutenant General HARA, Mamoru;

(a) The nationality of the witness is Japanese;

(b) He served as subordinate officer under the accused when the accused was the Inspector General of Military Training, and at present is believed to be in Japan. His present address is unknown but it is under investigation.

(c) The testimony of this witness will be principally concerned with the activities of the accused while he was inspector General of Military Training.

(d) The testimony of this witness is believed to be relevant and is specifically concerned with Counts 18 and 19 of the Indictment.

I. Major General TAKAHASHI, Tatsuhiko;

(a) The nationality of the witness is Japanese;

(b) He was Chief of Staff under the accused when the accused was Commander-in-Chief of the Eastern Army and is believed to be in Japan. His present address is unknown but it is under investigation.

(c) The testimony of this witness will be principally concerned with the responsibility of the accused for supervision of prisoners of war coming under his jurisdiction.

PURL: http://www.legal-tools.org/doc/679ada/

(d) The testimony of this witness is believed to be relevant and is specifically concerned with Counts Nos. 53, 54 and 55 of the Indictment.

J. Major General YAMAZAKI, Masso;

(a) The nationality of the witness is Japanese;

(b) He was Senior Staff Officer of the Eastern Army and served under the accused when the accused was Commander-in-Chief of the Eastern Army, and is believed to be in Japan. His present address is unknown although it is under investigation.

(c) The facts to be proved by this witness relate principally to the responsibility of the accused for supervision of prisoners of war coming under his jurisdiction.

(d) The testimony of this witness is believed to be relevant and is specifically concerned with Counts Nos. 53, 54 and 55 of the Indictment.

K. Lieutenant General HASHIMOTO, Gun;

(a) The nationality of the witness is Japanese;

(b) He was Chief of Staff of the First Army during 1937 and 1938 and served under the accused when the accused was Commander-in-Chief of said First Army. He is believed to be in Japan but his present address is unknown although it is under investigation.

(c) The testimony of this witness will relate to the activities of the accused in China during the aforementioned period when the accused was Commander-in-Chief of the First Army.

(d) The testimony of this witness is believed to be relevant and is specifically concerned with Counts Nos. 18 and 19 of the Indictment.

L. Lieutenant General YAHAGI, Nakao;

(a) The nationality of the witness is Japanese.

(b) He served as Chief of Staff of the Japanese Army in Burma at the end of the war and is believed to be still there, as a prisoner of war of the British.

(c) The testimony of this witness will relate to the activities of the accused while the accused was Chief of the Special Service Branch of the Kwantung Army in Mukden during 1935. The witness was the assistant to the accused during the aforesaid period and is familiar with the activities of the accused while he served in such capacity.

(d) The testimony of this witness is believed to be relevant and is specifically concerned with Counts Nos. 18 and 19 of the Indictment.

PURL: http://www.legal-tools.org/doc/679ada/

M. Colonel SUZUKI, Kunji;

(a) The nationality of the witness is Japanese;

(b) He is at present in custody at Sugamo Prison, Tokyo, Japan.

(c) The testimony of this witness will relate to the treatment of prisoners of war while the accused was Commander-in-Chief of the Eastern Army during 1933 and 1934. This witness served as subordinate officer under the accused during the aforesaid period.

(d) The testimony of this witness is believed to be relevant and is specifically concerned with Count No. 53 of the Indictment.

N. Lieutenant General AYABE, Kitsujyu;

(a) The nationality of the witness is Japanese;

(b) He was Lieutenant General in the Japanese Army and at the end of the war was in Singapore and it is believed he is still there, a prisoner of war of the British.

(c) This witness served under the accused during the period of 1944 and 1945 while the accused was Commander-in-Chief of the Seventh Army, and the testimony will relate principally to the treatment of prisoners of war coming under his jurisdiction during the aforesaid period.

(d) The testimony of this witness is believed to be relevant and is specifically concerned with Count No. 53.

O. Lieutenant General TAZAKA, Senichi;

(a) The nationality of the witness is Japanese;

(b) He was Lieutenant General in the Japanese Army and at the end of the war was in Singapore and it is believed he is still there, as a prisoner of war of the British.

(c) This witness served under the accused during the period of 1944 and 1945 while the accused was Commander-in-Chief of the Seventh Army, and the testimony will relate principally to the treatment of prisoners of war coming under his jurisdiction during the aforesaid period.

(d) The testimony of this witness is believed to be relevant and is specifically concerned with Count No. 53.

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P. Lieutenant General IMAI, Takeo;

(a) The nationality of the witness is Japanese;

(b) He was Chief of the Liaison Bureau in Nanking, China at the end of the war and it is believed he is still there as a prisoner of war of the Chinese;

(c) This witness served under the accused while the accused was engaged in activities in North China and the testimony of this witness will be principally concerned with the establishment of the Autonomous Area in North China, about which the Prosecution has already introduced evidence against the accused.

(d) The testimony of this witness is believed to be relevant and is specifically concerned with Count No. 19, of the Indictment.

Q. General NISHIO, Juzo;

(a) The nationality of the witness is Japanese;

(b) He is at present in custody at Sugamo Prison, Tokyo, Japan.

(c) This witness served as Supreme War Councillor during the period that the accused served in a similar capacity. The testimony of the witness will be principally concerned with the activities of the accused during the period he served in such capacity.

(d) The testimony of this witness is believed to be relevant and is specifically concerned with Count No. 20 of the Indictment.

R. General MINAMI, Jiro;

(a) The nationality of the witness is Japanese;

(b) He is at present in custody at Sugamo Prison, Tokyo, Japan and is one of the accused in this trial.

(c) This witness was Minister of War and also Commander-in-Chief of the Kwantung Army. The accused DOHIHARA served under this witness, who is therefore able to testify to many activities involving this accused, as well as to the witness himself.

(d) The testimony of this witness is believed to be relevant and is specifically concerned with Counts Nos. 1 to 17, inclusive, of the Indictment.

S. General ITAGAKI, Seishiro;

(a) The nationality of the witness is Japanese;

(b) He is at present in custody at Sugamo Prison, Tokyo, Japan and is one of the accused in this trial.

PURL: http://www.legal-tools.org/doc/679ada/

(c) This witness was an associate of the accused DOHIHARA and served as Chief of Staff of the Kwantung Army while the accused DOHIHARA was in service with the Kwantung Army.

(d) The testimony of this witness is believed to be relevant and is specifically concerned with Counts Nos. 1 to 17 inclusive of the Indictment.

T. General UMEZU, Yoshijiro;

(a) The nationality of the witness is Japanese;

(b) He is at present in custody at Sugamo Prison, Tokyo, Japan and is one of the accused in this trial;

(c) The accused DOHIHARA served under this witness while said witness was Chief of Staff of Japanese Army Headquarters and therefore is familiar with the activities of the accused DOHIHARA throughout most of the period of the Indictment.

(d) The testimony of this witness is believed to be relevant and is specifically concerned with Counts Nos. 27 to 31 inclusive, 33, 34, 37 to 44 inclusive of the Indictment.

U. Lieutenant General ISOGAI, Rensuke;

(a) The nationality of the witness is Japanese;

(b) He is at present in custody at Sugamo Prison, Tokyo, Japan.

(c) This witness has been associated with the accused DOHIHARA since his days in the Army Officers' School and is familiar with the activities of the accused in relation to the Changkufeng and Nomonhan Incidents, as well as the activities of the accused in North and Middle China during 1938 and 1939.

(d) The testimony of this witness is believed to be relevant and is specifically concerned with Counts Nos. 25, 26, 35, 36, 51 and 52 of the Indictment.

V. KUWASHIMA, Kazue;

(a) The nationality of the witness is Japanese;

(b) He is presently located in Tokyo, Japan.

(c) This witness was often mentioned in many of the exhibits already introduced as evidence in this case dealing with the negotiations between the accused and Henry Pu-yi. This witness was Japanese Consul General in Tientsin, China, and can testify to the activities of the accused concerning which said Pu-yi has already testified, as well as explain many of the documents already introduced as evidence in this case.

(d) The testimony of this witness is believed to be relevant and is specifically concerned with Counts Nos. 18 and 19 of this Indictment.

PURL: http://www.legal-tools.org/doc/679ada/

2. The date upon which attendance of the witnesses will be required for testifying cannot be stated accurately, but their attendance for consultation with counsel is required forthwith.

3. For such other and further relief in the premises as may seem meet and just.

Dated, Tokyo, Japan
4 November 1946

DOHIHARA, Kenji

by

OHTA, Kinjiro

PURL: http://www.legal-tools.org/doc/679ada/

Recite la Nov en para 16

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

Sitting at Tokyo, Japan

Case No. I

THE UNITED STATES OF AMERICA; et al

v.

ARAKI, Sadao, et al

APPLICATION OF THE ACCUSED ITAGAKI, Seishiro FOR AN ORDER FOR PRODUCTION OF WITNESSES

Comes now the accused herein, ITAGAKI, Seishiro, and makes known to this Tribunal that he is desirous of obtaining from this Tribunal an order and process for the production of the following persons as witnesses in his behalf at this trial:

General NISHIO, Toshizo — This witness' nationality is Japanese. He is at present in custody at Sugamo Prison, Tokyo, Japan. Was one time Chief of Staff of the Kwantung Army (at which time Itagaki was Assistant Chief of Staff) later Commander-in-Chief of the China Expedionary Army (at which time Itagaki was Chief of General Staff of the same army).

The facts concerning which this witness can give testimony are:

(1) That the ideal of establishing a new State in Manchuria was to create in that region an entirely new State realizing all the ideals and wishes of Japanese and persons of all nationalities living therein, and to establish a defense line against Soviet invasion.

(2) That the Kwantung Army was under strict limitation concerning guidance of the new Government in Manchuria and that after Generals Minami and Itagaki arrived in Manchuria there was improvement of the cooperative attitude of Manchukuo.

(3) The chief aims of the Kwantung Army towards Northern China after the Tan-Ku Armistice agreement, was to preserve peace in the areas around Manchukuo so that no anti-Japanese disturbances then prevailing in China would affect the Manchurian Administration.

(4) That the Kwantung Army did not welcome the invasion of Chinese armies into Chahar District, as that would infringe the spirit of the Tan-Ku agreement, but that at the same time it did not support the independent movements of Mongolians in inner Mongolia.

(5) That the incidents which happened around outer Mongolia and near the Maritime District were due to aggressive policies of Soviet Russia towards Manchuria and Korea

PURL: http://www.legal-tools.org/doc/836d06/

(6) That in respect to the military activities in China no aggressive policy or plan was entertained and their purpose was to obtain speedy settlement of disturbances then extant and bring peace and prosperity between China and Japan.
(7) That the Government under Wang-Chin-Wei was not a puppet Government.

The relevancy of the testimony which this witness will give is that evidence adduced by the prosecution tends to establish that all of aforesaid incidents and matters were part of a plan of Japan to wage aggressive warfare against China and Soviet Russia and the accused proposes to refute such prosecution evidence by the testimony of this witness to the contrary.

WHEREFORE, your petitioner prays that appropriate order be entered herein for the issuance of process of this Tribunal ad testificandum for the production of each of the witnesses at this trial.

The precise date upon which such witnesses testimony will be given is not known to this petitioner but he states that their presence for the purposes of interview and consultation is current.

ITAGAKI, Seishiro

BY_____
Yamada, Honzo

_____
Floyd J. Mattice
HisCounsel.

PURL: http://www.legal-tools.org/doc/836d06/

Filed 14 May 1947

INTERNATIONAL MILITARY TRIBUNAL

FOR THE FAR EAST

- 1 -

THE UNITED STATES OF AMERICA et al

- VS -

ARAKI, Sadao, et al

- Defendants -

MOTION FOR PRODUCTION OF WITNESSES

NOW COMES HOSHINO Naoiki and requests the Tribunal, in accordance with Article 9(c) of the Charter, to order the production of the following witnesses necessary to his defense:

FUKUDA, Tadayuki

a. The nationality of the witness is Japanese;

b. The witness is in U.S.S.R.;

c. The facts to be proved by this witness are that Manchukuo was not a puppet state controlled by the Kwantung Army and that its administrative policy was adopted according to the will of those officials of Manchurian nationality, and other relevant matters.

KISHI, Shinsuke

a. The nationality of the witness is Japanese;

b. The witness is in Sugamo Prison;

c. The facts to be proved by this witness are that the economic policy of Manchukuo was adopted and carried out for the benefit of the people of Manchukuo and not designed to exploit for the sake of Japan, and other relevant matters.

PURL: http://www.legal-tools.org/doc/65d492/

The date upon which the attendance of the witnesses will be required to testify cannot be stated accurately.

KOSHINO Naoki

by

4 November 1946

Fuji Goichiro

Joseph C. Howard
His Counsel

PURL: http://www.legal-tools.org/doc/65d492/

Read by Ito 9 Oct 22 f (4)

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

Sitting at Tokyo, Japan

Case No. 1

UNITED STATES OF AMERICA, et al

v.

ARAKI, Sadao, et al

APPLICATION ON BEHALF OF ITAGAKI, Seishiro, FOR AN ORDER FOR PRODUCTION OF DOCUMENTS.

Comes now the accused here ITAGAKI, Seishiro, and makes known to this Tribunal that he is desirous of obtaining from this Tribunal an order and process for the production of the following described documents for use in evidence in his behalf at this trial:

1. Report on situation, and attached documents, prepared by Honjo, Shigeru, the Commander of the Kwantung Army in Manchuria on the 18th of October 1931.

The original or authenticated copy of this report and attached documents is said to be kept at the Headquarters of the Kwantung Army at Chang Chun (formerly Hsin King) Manchuria.

The accused expects to prove by this document that:

(a) It was a report made by the Commander of the Kwantung Army himself and not by the accused.

(b) That the actions of the Kwantung Army were all performed as actions of self-defense and based on justifiable grounds.

This document is relevant in that it will dispute the claims and evidence adduced in support thereof by the prosecution to the effect that the actions of the Kwantung Army were aggressive in nature and part of a plan to wage aggressive war against China and other countries.

PURL: http://www.legal-tools.org/doc/71376e/

2. Report on explosion of South Manchurian Railway prepared by Investigation Committe of Kwantung Army 23 September 1931. The original or authenticated copy of this document is said to be kept at the headquarters of the Kwantung Army at Chang Chun (formerly Hsin King) Manchuria.

The accused expects to prove by this document that:

(1) The investigation of the so-called Mukden Incident was carried out by proper officers of the Kwantung Army.

(2) That the damage done to the railroad was perforated by Chinese regular soldiers.

These facts will dispute the claim and evidence of the prosecution to the contrary.

WHEREFORE, your petitioner prays that appropriate order be entered herin for the issuance of process of this Tribunal for the production of each of the aforesaid documents.

ITAGAKI, Seishiro

BY_____
Yamada, Honzo

_____
Floyd J. Mattice
His Counsel

PURL: http://www.legal-tools.org/doc/71376e/

INTERNATIONAL MILITARY TRIBUNAL

FOR THE FAR EAST

Rec'd 7 Nov 46 (5)

THE UNITED STATES OF AMERICA; et al

- vs -

ARAKI, Sadao; et al

- Defendants -

REQUEST FOR AN ORDER OF THE TRIBUNAL

NOW COMES ARAKI, Sadao and respectfully shows to the Court;

That on the 4th day of November 1946 the said Defendant, through his American and Japanese attorneys, filed with the Clerk of this Tribunal a list of witnesses necessary for his defense in compliance with exhibit #9 and the Order of the Court pursuant thereto;

The Defendant ARAKI, Sadao now requests that this Tribunal issue an order prohibiting the Prosecution Section or any member thereof from interviewing, questioning or otherwise approaching any of these witnesses prior to the trial of the Defendant's phase of this case.

ARAKI, Sadao

by

/s/YUTAKA, Sugahara
YUTAKA, Sugahara

/s/Lawrence J. McManus
LAWRENCE J. McMANUS
His Counsel

PURL: http://www.legal-tools.org/doc/5fcc3a/

Rec'd 4 Nov 46

INTERNATIONAL MILITARY TRIBUNAL

FOR THE FAR EAST

- 1 -

THE UNITED STATES OF AMERICA, et al

-Vs-

ARAKI, Sadao, et al

- Defendants -

REQUEST FOR PRODUCTION OF WITNESS

NOW COMES KIMURA Heitaro and requests the Tribunal, in accordance with Article 9(c) of the Charter, to order the production of the following witness necessary to his defense:

ASHIO, Toshizo

a. The nationality of the witness is Japanese;

b. The witness is in Sugamo Prison;

c. The facts to be proved by this witness are that while General KIMURA was a member of the Supreme War Council, it was a position of no importance, and other pertinent facts;

d. The testimony of this witness is relevant in that it tends to prove that KIMURA took no part in important decisions.

The date upon which the attendance of the witness will be required to testify cannot be stated accurately.

KIMURA Heitaro

by

SHIOBARA Tokisaburo

Joseph C. Howard
His Counsel

4 November 1946

PURL: http://www.legal-tools.org/doc/1b9658/

Read by Itg Mar 22 (7)

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

Sitting at Tokyo, Japan

Case No. I

UNITED STATES OF AMERICA, et al

- v. -

ARAKI, Sadao, et al

APPLICATION ON BEHALF OF ITAGAKI, Seishiro, FOR AN ORDER FOR PRODUCTION OF WITNESS

Comes now the accused herein ITAGAKI, Seishiro, and makes known to this Tribunal that he is desirous of obtaining from this Tribunal an order and process for the production of the following named person as a witness in his behalf at this trial.

NAKAJIMA, Tetsuzo - This witness' nationality is Japanese. He is said to be in custody in Sumatra Netherlands East Indies. He was Vice Chief of the Japanese General Staff at the time Itagaki, Seishiro, was Minister of War.

The facts concerning which this witness can give testimony are: - That as Vice Chief of the Japanese General Staff in 1935, when the Halkin-Gol River (Momonhan) Incident occurred, he was sent to Manchuria by the Japanese Government with directions to endeavor to end the fighting between the Japanese and the Soviets, irrespective of whether strategical advantage or disadvantage resulted; that the Japanese Government did not desire the affair to spread into large scale operations, and that the Kwantung Army in such affair acted in self defense.

The relevancy of this testimony lies in that it will dispute the claim of the prosecution and its evidence in support thereof tending to show that in such incident Japan was the aggressor.

WHEREFORE, your petitioner prays that appropriate order be entered herein for the issuance of process ad testificandum for the production of said witness at this trial.

The precise date upon which this witnesses' testimony will be given is not known to this petitioner, but he states that his presence for the purpose of interview and consultation is current.

ITAGAKI, Seishiro

By_____
Yamada, Honzo

_____
Floyd J. Mattice
His Counsel

PURL: http://www.legal-tools.org/doc/36a049/

Rec'd by Lt. Nov. 22 (8)

INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST

THE UNITED STATES OF AMERICA, et al

- vs -

ARAKI, Sadao, et al

- Defendants -

REQUEST FOR PRODUCTION OF DOCUMENTS

1. NOW COMES MINAMI, Jiro and requests the Tribunal, in accordance with Article 9 (e) of the Charter, to order the production of the following documents necessary to his defense:

Washington Document Center, Stuart Bldg., Washington D.C.
Shipping Advice #15072

Crate No.	Items No.	Description
56	3	"File of Permanent Records", 1935, non-classified, 7 vols. (out of a series of 8).
44	11	"File of Permanent Records", 1931, non-classified, 10 vols. (out of undetermined number of a series).
69	14	same as above, 7 vols.
59	16	"Files of classified Correspondence & Records", 1935, 1 vol. (out of series of 7 vols.).
122, 128 168 & 327	28	same as above, 1 vol. (out of a series of 11).
51 & 52	41	"File of Permanent Records", non-classified, 1935, 2 vols. (part 245).
146	102	"File of un-classified Correspondence & Records Dealing with Manchurian Affairs", 1931, 2 vols. (parts 1 & 3 out of a series of 3).
555	125	"File of Documents Dealing with the Disarmament Conference", 1931, 1 vol. (parts 2 out of a series of 3).
555	126	"File of Documents Dealing with the Problem of Disarmament", 1923-1931, 1 vol.

PURL: http://www.legal-tools.org/doc/43a04b/

Shipping Advice #15072

Japanese Crate No.	Item No.	Description
555	127	"File of Documents Dealing with the League of Nations", 1924-1933, 1 vol.
334	138	"File of classified Correspondence & Records Dealing with Manchurian Affairs", 1935, 4 vols. (parts 1, 3, 4 & 5 out of undetermined number of series).
52 & 138	156	"File of classified Correspondence & Records Dealing with Manchurian Affairs", 1935, 7 vols. (parts 1, 2, 4,5,7,8 & 9 out of series of 11).
58	157	same as above, 1935, 5 vols (parts 1,2,3,4 & 5 out of series of 7).
58	158	"File of Permanent Records", non-classified 1935, 4 vols. (from undetermined number of series).
61, 121, 96 & 140	163	"File of classified Correspondence & Records Dealing with Manchurian Affairs", 1931, 1 vol.
102, 128 & 149	169	"File of Document Dealing with the International Conference", 1925-1934, 1 vol.
102, 128 & 149	171	"File of unclassified Correspondence & Records Dealing with Manchurian Affairs", 1935, 1 vol. (part 16 out of series of 17).
624	202	same as above, 1935, 1 vol. (part 7 out of 10 vols.).
43	203	"File of classified Correspondence & Records concerning the League of Nations & the Disarmament Conference", 1931 to 1934, 1 vol.
43	204	"File of Confidential Records attached to Item No. 203", 1931, 2 vols. (parts 1 & 3 out of 3 vols.).
43	205	"File of Permanent Records", 1931, non-classified, 5 vols.
151	206	"File of non-classified Correspondence & Records Dealing with Manchurian Affairs", 1935, 5 vols. (parts 5,6,8, 9 & 10 out of vols.).

PURL: http://www.legal-tools.org/doc/43a04b/

Shipping Advice #15072

Japanese Crate No.	Item No.	Description
150	212	"Files of non-classified Correspondence & Records Dealing with Manchurian Affairs", 1935, 4 vols. (parts 1,2,3 & 4 out of 10 vols.).
Crate No.		
57	232	"File of Permanent Records", non-classified, 1935, 6 vols.
327	234	"File of classified Correspondence & Records Dealing with Manchurian Affairs", 1935, 1 vol. (part 2).
334	305	same as above 1935, 1 vol. (part 11 of a series of 11).
146	341	same as above, 1931, 1 vol. (part 2 of a series of 3).
234	358	same as above, 1935, 1 vol. (part 10 of a series of 11).
59	320	"File of classified Correspondence & Records", 1935, 1 vol. (part 7 of a series of 7).

The above-mentioned documents will be needed as defense evidence to show that the accused is not responsible as charged and to prove the policies, utterances and actions of the accused [illegible] during the time in which he is charged by the indictment.

According to informations received by the Defense, all the above-mentioned documents have been shipped to Washington Document Center, Stuart Building, Washington, D.C.

11 November, 1946

[illegible]AMI, Jiro
by

_____
OKAMOTO, Toshio

_____
BROOKS, Alfred W.

PURL: http://www.legal-tools.org/doc/43a04b/

Read in open Court 4/(a)

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

Sitting at Tokyo, Japan

Case No. I

THE UNITED STATES OF AMERICA, et al

v.

ARAKI, Sadao; et al

APPLICATION OF THE ACCUSED ITAGAKI, Seishiro FOR AN ORDER FOR PRODUCTION OF WITNESSES

Comes now the accused herein, ITAGAKI, Seishiro, and makes known to this Tribunal that he is desirous of obtaining from this Tribunal an order and process for the production at this trial of this case as witnesses in his behalf, the following persons:

Lt. General AYABE, — This witness' nationality is Japanese. He is at present in the custody of the British and said to be so held at Singapore, Malayan Peninsula. This witness was a Lieut. General and the Chief of Staff of the Japanese 7th Army serving on the Mayalan Peninsula.

The facts concerning which this witness can give testimony are: that he had opportunity to observe the conditions of the prisoner of war camps in the area and the treatment of such prisoners of war and, that as supplies became available conditions were improved, that there was improvement in the treatment of the native population, after the accused ITAGAKI became commander of the 7th Army as compared to the conditions described by the witness Wild.

The relevancy of this testimony which this witness can give is that the conditions described by the witness Wild did not exist after the accused ITAGAKI became Commander of the Japanese 7th Army.

Major General SAITO, Masotoshi

This witness' nationality is Japanese. He is at present in the custody of the British and said to be so held at Singapore, Malayan Peninsula.

This witness was a Major General in the Japanese Army serving with the Japanese 7th Army as the Custodian of the Prisoner of War, for a period of about ten months prior to the end of hostilities, on the Malayan Peninsula area.

PURL: http://www.legal-tools.org/doc/2b2522/

The relevancy of this testimony which this witness can give is that the conditions described by the witness Wild did not exist after the accused ITAGAKI became commander of the Japanese 7th Army.

WHEREFORE, your petitioner prays that appropriate order be entered herein for the issuance of process of this Tribunal ad testificandum for the production of each of the witnesses above mentioned at this trial.

The precise date upon which such witnesses' testimony will be given is not known to this petitioner but he states that their presence for the purpose of interview and consultation is current.

ITAGAKI, Seishiro

BY_____
Yamada, Honzo

_____
Floyd J. Mattice
His counsel.

PURL: http://www.legal-tools.org/doc/2b2522/

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

Sitting at Tokyo, Japan

Case No. I

UNITED STATES OF AMERICA, et al

v.

ARAKI, Sadao, et al.

APPLICATION ON BEHALF OF ITAGAKI, Seishiro, FOR AN ORDER FOR PRODUCTION OF WITNESSES

Comes now the accused herein ITAGAKI, Seishiro, and makes known to this Tribunal that he is desirous of obtaining from this Tribunal an order and process for the production of the following named persons as witnesses in his behalf at this trial.

KAGESA, Sadaaki: This witness' nationality is Japanese. His address is Daichi National Hospital Wakamatsu-Cho, Ushigome-Ku, Tokyo, Japan

A Major General in the Japanese Army, he was the Chief Military adviser to the Nankin Government at the time Itagaki was Minister of War.

The fact concerning which this witness can give testimony are, that the basic principle of the Japanese Government's policy respecting settling the China incident was a realization of the good neighbor policy, with recognition of China's sovereignity, mutual help, and equalization of rights; that there was no intention on the part of Japan to carry on military, economical or political domination for any longer time than was necessary to accomplish realization of such policy; that no puppet governments were created in China, that many things seized during the period, including industrial plants, were returned.

The relevancy of this testimony lies in the fact that it will dispute the prosecution's claim and evidence adduced along that line, that Japan planned aggressive warfare against China and set up puppet governments in order to exploit the country.

TADA, Shun: This witness' nationality is Japanese. His address is No. 567, Kawana, Funakata Machi, Tateyama City, Chiba Prefecture, Japan.

The Commander of Tientsin Contingent Force; Vice Chief of General Staff in 1937; Commander of North China Expeditionary Force 1939-1946.

PURL: http://www.legal-tools.org/doc/bfec3e/

The facts concerning which this witness can give testimony are: that the Kwantung Army's interest, policy and concern in respect to North China was to the end and for the purpose of maintaining peace in the adjoining area of Manchukuo; that the clash between Japanese and Russian forces at Chankunfen was due to ambiquity concerning the boundary line involved and that the Japanese endeavored to localize the controversy and possessed no aggressive purpose; and that the NanKin Government under Wang-Ching Wei was not a puppet government.

The testimony would be relevant in that it disputes the prosecution's claim and evidence in support thereof that it was all part of a plan to wage aggressive warfare against China and Russia.

WHEREFORE, your petitioner prays that appropriate order be entered herin for the issuance of process ad testificandum for the production of said witnesses at this trial.

The precise date upon which this witnesses' testimony will be given is not known to this petitioner, but he states that his presence for the purpose of interview and consultation is current.

ITAGAKI, Seishiro

By_____
Yamada, Honzo

_____
Floyd J. Mattice
His Counsel

PURL: http://www.legal-tools.org/doc/bfec3e/

INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST

- 1 -

THE UNITED STATES OF AMERICA, et al

vs

ARAKI, Sadao, et al

- Defendants -

REQUEST FOR PRODUCTION OF WITNESSES

1. NOW COMES HIRANUMA, Kiichiro and requests the Tribunal, in accordance with Section III, Article 9 (e) of the Charter, to order the production of the following witnesses necessary for his defense:

A. TAKEUCHI, Kakuji;

(a) The nationality of the witness is Japanese;

(b) The witness is now in Tokyo City, Setagaya-ku, Kamikitazawa 3-chome, No. 877;

B. MURAKAMI, Kyoichi;

(a) The nationality of the witness is Japanese;

(b) The witness is now in Tokyo City, Musashino-machi Kichizyozi Hondemninami, No. 2546;

C. OTA, Kozo;

(a) The nationality of the witness is Japanese;

(b) The witness is now in Sugamo Prison, Tokyo, Japan, a prisoner of the Allies;

D. KAYABA, Gunzo;

(a) The nationality of the witness is Japanese;

(b) The witness is now in Urawa City, Maezi, No. 98;

E. BABA, Tsunego;

(a) The nationality of the witness is Japanese;

(b) The witness is now in Tokyo City, Kojimachi-ku Yuraku-cho, I-chome, No. 13, at Yomiuri press;

2. The defendant HIRANUMA further requests the Tribunal, in accordance with Section III, Article 9 (e) of the Charter, to

PURL: http://www.legal-tools.org/doc/c95c60/

order the production of the following documents necessary for his defense:

DOCUMENT	LOCATION
A. Original copy of the judgment given by the Tokyo district Criminal Court on 8 November 1944, in a criminal case brought against KATAOKA (Shun) NAKAMURA (Takeshi), NISHIYAMA (Choku), DOI (Saburo);	Procurator's (Prosecutor's) Office, Tokyo District Criminal Court, Hibiya Kojimachiku, Tokyo.
B. "Tokyo Record", a book written by Otto D. Tolischus and published by Hamish Hamilton, London and George Jaboor Melbourne;	U.S.A.A.F.F.E. Orientation Reference Library, 2nd Floor, Mitsubishi Shoji Building, Marunouchi Kojimachiku, Tokyo.
C. (1) "Special Police Monthly Journal" (Tokko Geppo), all numbers published in 1939, 1941 and 1944;	These magazines and books are publications of the Japanese Home Ministry and are in the custody of the Counter Intelligence Section (CIS) or the Legal Section of the Supreme Commander for the Allied Powers (SCAP).
C. (2) "General Survey of the Social Movements During the Years 1939 - 1941" (Shakai Undo Gaiko);	
D. The Minutes of the Privy Council Conference held in 1932 with respect to the issuance of government bond for the purpose of defraying the military expenses of the Manchurian Incident;	Archives of the Chancellery of the Privy Council, Wadakuramon Konimachiku, Tokyo.

3. The facts to be proved by these witnesses and documents will show the policies, utterances, actions and intent of the accused HIRANUMA during the time in which he is charged by the Indictment;

4. The relevance of the testimony of these witnesses, all of whom were associated with the accused HIRANUMA in various capacities during the time charged in the Indictment is, in its tendency, to establish that the accused HIRANUMA took no part in any of the conspiracies charged to him; and was not in any way connected with the planning, initiating or waging of wars of aggression; and was, furthermore, in no way connected with the commission of any crimes against peace;

5. The date upon which attendance of the witnesses will be required for testifying cannot at this time be stated accurately but their attendance for consultation with defense counsel is required forthwith;

PURL: http://www.legal-tools.org/doc/c95c60/

6. The date of production of the above documents will be after the commencement of the defense of the accused HIR.NUMA. Consequently, in view of the time needed in processing and translating, a court order of an early date is prayed for.

HIR.NUMA, Kiichiro

By

_____

USAMI, Hokuro

PURL: http://www.legal-tools.org/doc/c95c60/

Read by Mr. Nadzo
f(12)

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

Sitting at Tokyo, Japan

Case No. I

THE UNITED STATES OF AMERICA: et al

v.

ARAKI, Sadao, et al

APPLICATION OF THE ACCUSED ITAGAKI, Seishiro,
FOR AN ORDER FOR PRODUCTION OF WITNESSES

Comes now the accused herein, ITAGAKI, Seishiro, and makes known to this Tribunal that he is desirous of obtaining from this Tribunal an order and process for the production of the following persons as witnesses in his behalf at this trial:

MINAMI, Toyoichi - This witness' nationality is Japanese. He is said to be in the custody of Russia in Siberia. He was formerly Intendance Colonel member of the Manchurian and Mongolian section of the Ministry of War of the Japanese Empire.

The facts concerning which this witness can give testimony are:

1. That during the War Ministry of General MINAMI there had been no planning of the establishment of a separate State in Manchuria.

2. That due to lack of a settled plan to deal with the new situation in Manchuria the Japanese Government's policies respecting Manchuria underwent many changes.

3. That Japanese Government demands regarding Manchuria were limited to special rights, and the desire for peace and the natural expansion of Japanese interests.

4. That the purpose of operational plans was the preservation of peace and defense against invasion by Soviet Russia.

5. That the economic policies regarding Manchuria were based on co-prosperity of Japan and Manchuria.

6. That there were many different opinions regarding the policies of the South Manchurian Railways, as between the old nationalists and sponsors of co-prosperity.

7. That the new policy regarding Manchuria did not exclude foreign financial support, but invited it.

The relevancy of the testimony which this witness can give is that it disputes the prosecution's claim that the Japanese planned aggressive war against China, Russia and other nations.

PURL: http://www.legal-tools.org/doc/73b17d/

SHIMOMURA, Nobusada - This witness' nationality is Japanese.
He is said to be in the custody of Russia in Siberia.
He was formerly Liaison Officer of the Japanese Army stationed at Harbin in Manchukuo.

The facts concerning which this witness can give testimony are that he took part in the discussions for a truce agreement with the Russians at the time of the Halkin-Gor River (Nomonhan) Incident and that settlement was made regarding the disputed boundary line and the whole matter closed.

This evidence is relevant to the showing attempted to be made by prosecution of aggressive design on the part of the Japanese Empire to wage war on Russia.

SUZUKA, Kamezo - This witness' nationality is Japanese.
He is said to be in custody of Russia in Siberia.
He was commander of the 19th Division of the 12th Japanese Army, the commander of the 3rd Army, and Vice President of the new State University in Manchukuo.

The facts concerning which this witness can give testimony are that as commander of the 19th Division he was in charge of operations at Chang Kufen, where Japanese and Russian forces clashed over a boundary line dispute. He has full knowledge of all aspects thereof and can acquaint this Tribunal with exactly what there occurred, the causes and the result.

This evidence would be relevant in view of the evidence adduced by the prosecution tending to show that Japan was the aggressor in the incident and staged the incident as part of its plan to wage war on Russia.

WHEREFORE, your petitioner prays that appropriate order be entered herein for the issuance of process of this Tribunal ad testificandum for the production of each of the aforesaid witnesses at this trial.

The precise date upon which such witnesses' testimony will be given is not now known to this petitioner, but he states that their presence for the purpose of interview and consultation is current.

ITAGAKI, Seishiro
bY_____
Yamada, Honzo

_____
Floyd J. Lattice
His Counsel.

PURL: http://www.legal-tools.org/doc/73b17d/

INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST

Read in Nov 22 Panel

THE UNITED STATES OF AMERICA, et al,

vs

ARAKI, Sadao, et al,
Defendants.

REQUEST FOR PRODUCTION OF WITNESSES

Comes now KAYA, Okinori, and requests the Tribunal, in accordance with Section III, Article 9(e) of the Charter, to order the production of the following witnesses necessary to his defense:

(a) KOBAYASHI, Seizo, Sugamo Prison, Tokyo.

(b) IWAMURA, Michiyo, Sugamo Prison, Tokyo.

(c) GODO, Takuo, Sugamo Prison, Tokyo.

(a) Witness KOBAYASHI, Seizo, as former Admiral and former President of the Imperial Rules Political Assistance Association will be able to testify regarding the attitude of the accused with reference to carrying on negotiations with the United States, and his opposition to waging war against the United States. This testimony will be relevant in relation to the charge of conspiracy in the Indictment and other charges therein. The witness will also testify to the fact that the connection of the defendant with the IRPAA was in name only; that he did not actually participate in the Association; further, that the accused attended with the defendant the Geneva Disarmament Conference in 1927 and exerted efforts in concluding the Disarmament Agreement.

PURL: http://www.legal-tools.org/doc/62c125/

(b) Witness IWAMURA, Michiyo, former Minister of Justice in the Tojo cabinet, will be able to testify to the action of the Prime Minister, the Foreign Minister and the Naval Minister in relation to entering into war with the United States and the British Empire, and the fact that the defendant did not participate in the discussion thereof. This testimony is relevant in regard to the charges of conspiracy and other counts of the Indictment.

(c) Witness GODO, Takuo, will testify as to the action and conduct of the defendant in relation to his activities as President of the North China Exploitation Company; that in 1939 when the great flood damaged the Peiping-Tienshin area the accused made every effort to save the people in the local districts and to rehabilitate them; that he asked the witness, in his official capacity, to send material and otherwise to help the people of North China. This testimony will be relevant in relation to the charge of planning and preparing the Japanese economic aggression against North China.

Dated November 7, 1946.

K.Y., Okinori

By

_____

T.I..NO, Tsuruo

_____

R. S. RUTCHICK

_____

MICHAEL LEVIN

PURL: http://www.legal-tools.org/doc/62c125/

INTERNATIONAL MILITARY TRIBUNAL FAR EAST

No. 1

THE UNITED STATES OF AMERICA, et al — Prosecutors

- VS -

ARAKI, Sadao, et al — Defendants

Read by Mr. Pad (2)

REQUEST FOR PRODUCTION OF WITNESSES

1. NOW COMES SHIRATORI Toshio and requests the Tribunal, in accordance with Article 9(e) of the Charter, to order the production of the following witnesses necessary to his defense:

A. Mr. Eugen OTT

(a) The nationality of the witness is German.

(b) The address of the witness is unknown; his last official position was German Ambassador to Japan.

B. Mr. ARITA Hachiro

(a) The nationality of the witness is Japanese.

(b) The address of the witness is: No. 911, Nishihara-Machi, Yoyogi, Shibuya-ku, Tokyo; his last official position was Foreign Minister of Japan.

C. General UGAKI Kazushige

(a) The nationality of the witness is Japanese.

(b) The address of the witness is unknown; his last official position was Foreign Minister of Japan.

D. Mr. SAITO Yoshie

(a) The nationality of the witness is Japanese.

(b) The address of the witness is: No. 42, Shoto-machi, Shibuya-ku, Tokyo; his last official position was Diplomatic Advisor in the Foreign Office at the time of Foreign Minister Matsuoka.

PURL: http://www.legal-tools.org/doc/ce6fa5/

E. Mr. OHASHI Chuichi

(a) The nationality of the witness is Japanese.

(b) The address of the witness is unknown; his last official position was Vice-Minister of Foreign Affairs at the time of Foreign Minister Matsuoka.

F. Lieut. General ARISUE Seizo

(a) The nationality of the witness is Japanese.

(b) The address of the witness is unknown; his last official position is also unknown, but he was, as Lieut. Colonel, Military Attache to the Japanese Embassy in Italy 1938-1939.

G. Count ARIMA Rainei

(a) The nationality of the witness is Japanese.

(b) The address of the witness is unknown; he was General Secretary of the Imperial Rule Assistance Association.

H. Mr. OKADA Tadahiko

(a) The nationality of the witness is Japanese.

(b) The address of the witness is unknown; he was President of the House of Representatives.

I. Mr. INAHARA Katsuji

(a) The nationality of the witness is Japanese.

(b) The address of the witness is unknown; he has been and is editor of the magazine "Contemporary Japan".

J. Miss UNO Masuko

(a) The nationality of the witness is Japanese.

(b) The address of the witness is: Ho-29, No. 10, Nishi-Katamachi, Hongo-ku, Tokyo; she is secretary of the Gaiji Kyokai (Foreign Affairs Association), which has been publishing the magazine "Contemporary Japan".

PURL: http://www.legal-tools.org/doc/ce6fa5/

K. Dr. MURAKAWA Kengo

(a) The nationality of the witness is Japanese.

(b) The address of the witness is unknown; he was Vice-President of the Dai-Asia Kyokai (Great Asia Association).

L. Mr. YATSUGI Kazuo

(a) The nationality of the witness is Japanese.

(b) The address of the witness is: No. 5, Sakura-ga-Oka-Machi, Shibuya-Ku, Tokyo; he was General Secretary of the National Policy Investigation Association (Kokusaku Kenkyu-kai).

M. Mr. BOLZE

(a) The nationality of the witness is German.

(b) The address of the witness is unknown; his last official position was minister and councillor of the Embassy in the German Embassy at Tokyo.

N. COUNT von MIRBACH

(a) The nationality of the witness is German.

(b) The address of the witness is unknown; his last official position was secretary of Embassy (councillor of legation) in the German Embassy at Tokyo.

O. General OSHIMA HIROSHI

(a) The nationality of the witness is Japanese.

(b) The address of the witness is: Sugamo Prison, Tokyo; he is now one of the defendants in the International Military Trial Far East.

P. Dr. MURAMATSU Tsuneo

(a) The nationality of the witness is Japanese.

(b) The address of the witness is: Matsuzawa Byoin (Matsuzawa Hospital), Matsubara-machi, Setagaya-ku, Tokyo; he is the Vice-Director of the Matsuzawa Hospital.

PURL: http://www.legal-tools.org/doc/ce6fa5/

Q. Mr. MISHIMA Yasuo

(a) The nationality of the witness is Japanese.

(b) The address of the witness is: c/o Kuwano Bunka-Jigyo-sha, 3 No. 7, Ginza-Nishi Kyobashi-ku, Tokyo; he is a journalist.

2. The facts to be proved by these witnesses are the policies, utterances, writings, and actions of the defendant SHIRATORI during the period in which he is charged by the indictment herein.

3. The relevance of the witnesses' testimony is in its tendency to establish that the defendant SHIRATORI took no part in any of the conspiracies alleged in the indictment, and was not responsible for the planning, preparing, initiating, or waging of wars of aggression.

4. The date upon which the attendance of the witnesses will be required for testifying cannot be stated accurately, but their attendance for consultation with counsel is required forthwith.

This 13 day of November, 1946.

SHIRATORI Toshio

by

/s/ N. Naritomi
/t/ NARITOMI Nobuo

/s/ Charles B. Caudle
/t/ CHARLES B. CAUDLE

PURL: http://www.legal-tools.org/doc/ce6fa5/

INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST

- 1 -

Rec'd by ltr 22 Apr 48 (31)

THE UNITED STATES OF AMERICA, et al

- VS -

ARAKI, Sadao, et al

- Defendants -

REQUEST FOR PRODUCTION OF DOCUMENTS AND WITNESSES

1. NOW COMES SATO, Kenryo and requests the Tribunal, in accordance with Article 9 (e) of the Charter, to order the production of the following documents necessary to his defense:

Location: Washington Document Center
Stuart Building, Washington, D. C.
Shipping Advice #15072

Crate No.	Items No.	Description
96, 51 & 66	21	File dealing with classified war prisoners, 1942
650	43	File of non-classified correspondence and records dealing with China Affairs, 1942 (3 bundles)
166	273	Transcript of telegrams exchanged between the chief of staff of the China Expeditionary Army and the Vice-Minister of War on the question of executing U. S. aviators, captives while bombing Japan 25 April to 8 May 1942 (5 pages)
11	375	Mimeographed booklets, "Military Regulations Issued by the G.H. China Expeditionar Army for the Punishment of Enemy Fliers", 13 August 1942 (4 volumes)
?	379	File of miscellaneous correspondence and records of War Ministry, 1940-1942 (1 bundle)

The above-mentioned documents will be needed as defense evidence to show that the accused is not responsible as charged and to prove the policies, utterances and actions of the accused Sato during the time in which he is charged by the indictment.

According to information received by the defense, all the above-mentioned documents have been shipped to Washington Document Center,

PURL: http://www.legal-tools.org/doc/55424e/

Stuart Building, Washington, D. C.

2. It is further requested that the following witnesses be produced for the defense of the above accused Sato, Kenryo:

(1) NISHIMURA, Susumu

a. This person is a Japanese, resident of Tokyo;

b. He was Chief of the Military Affairs Section when Sato was Chief of the Military Affairs Bureau. He can give relevant testimony concerning the organization of the army and the duties, responsibilities and powers of the office held by Sato, as well as concerning the fact that the treatment of war prisoners was not dealt with by the Military Affairs Bureau.

(2) SANADA, Joichiro

a. This person is a Japanese, resident of Tokyo;

b. He was Chief of the Military Affairs Bureau as successor to Sato. He was in charge of the Liaison Conference between the General Staff and Cabinet as well as of the business of the Conference held in the presence of the Emperor. He can give relevant testimony as to military administrative matters in which Sato was involved.

(3) SHIMOMURA, Sadamu

a. This person is a Japanese, resident of Tokyo;

b. He was formerly Minister of War after the time of surrender and is now in Sugamo Prison. He attended the Geneva International War Prisoners Conference held in 1929, as the representative of the Japanese government. He can give relevant testimony as to the reason why Japan signed the treaty adopted by the said conference and yet not ratified it.

(4) ABE, Nobutaka

a. This person is a Japanese, resident of Tokyo;

b. He was formerly Prime Minister and Governor General of Korea. He can give relevant testimony as to the fact that Sato had nothing to do with the political manipulations in connection with the formation of the Tojo Cabinet.

(5) HATTA, Shiroji

a. This person is a Japanese, resident of Sendai;

b. He is professor of the Tohoku Imperial University and an intimate friend of Sato. He can give relevar testimony as to the personal character of Sato.

PURL: http://www.legal-tools.org/doc/55424e/

Stuart Building, Washington, D. C.

2. It is further requested that the following witnesses be produced for the defense of the above accused Sato, Kenryo:

(1) NISHIMURA, Susumu

a. This person is a Japanese, resident of Tokyo;

b. He was Chief of the Military Affairs Section when Sato was Chief of the Military Affairs Bureau. He can give relevant testimony concerning the organization of the army and the duties, responsibilities and powers of the office held by Sato, as well as concerning the fact that the treatment of war prisoners was not dealt with by the Military Affairs Bureau.

(2) SANADA, Joichiro

a. This person is a Japanese, resident of Tokyo;

b. He was Chief of the Military Affairs Bureau as successor to Sato. He was in charge of the Liaison Conference between the General Staff and Cabinet as well as of the business of the Conference held in the presence of the Emperor. He can give relevant testimony as to military administrative matters in which Sato was involved.

(3) SHIMOMURA, Sadamu

a. This person is a Japanese, resident of Tokyo;

b. He was formerly Minister of War after the time of surrender and is now in Sugamo Prison. He attended the Geneva International War Prisoners Conference held in 1929, as the representative of the Japanese government. He can give relevant testimony as to the reason why Japan signed the treaty adopted by the said conference and yet not ratified it.

(4) ABE, Nobutaka

a. This person is a Japanese, resident of Tokyo;

b. He was formerly Prime Minister and Governor General of Korea. He can give relevant testimony as to the fact that Sato had nothing to do with the political manipulations in connection with the formation of the Tojo Cabinet.

(5) HATTA, Shiroji

a. This person is a Japanese, resident of Sendai;

b. He is professor of the Tohoku Imperial University and an intimate friend of Sato. He can give relevar testimony as to the personal character of Sato.

PURL: http://www.legal-tools.org/doc/55424e/

(6) NOMURA, Karoku

a. This person is a Japanese, resident of Tokyo;

b. He is a member of the House of Peers and an acquaintance of Sato. He can give relevant testimony as to the personal character of Sato.

(7) SHIRAI, Seishin

a. This person is a Japanese, resident of Tokyo;

b. He is an official of the Demobilization Board. He can give relevant testimony as to the personal character of Sato.

SATO, Konryo

by

13 November 1946

KUSANO, Hyoichiro

Freeman, James N.

PURL: http://www.legal-tools.org/doc/55424e/

Read the Nov 22 para 2(4)

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
Sitting at Tokyo, Japan.

Case No. 1

THE UNITED STATES OF AMERICA: et al

-VS-

ARAKI, Sadao; et al

-Defendants-

Application of the accused OKAWA. Shumei for an order for the production of documents & witnesses

Comes now the accused herein, OKAWA, Shumei and makes known to this Tribunal that he is desirous of obtaining from this Tribunal an order for the production at the trial of this case as witnesses in his behalf, the following documents and persons:

A. DOCUMENTS:

1. PRAVDA (Newspaper), 1-31 August, 1935.
   Location: PRAVDA Press Co., U. S. S. R.

   This document contains the resolution and activities of Comintern, especially of the Seventh Congress.

   The facts concerning which this document will show are that the Comintern issued orders to both Chinese and Japanese Communist Parties, as follows, the former to provoke military actions from Japan and the latter to disturb the internal order in Japan.

2. Leninism Hrest matiya "XPECTOMATIA", 1933. Published by Lenpart izdat.
   Location: Lenpart izdat, U. S. S. R.

PURL: http://www.legal-tools.org/doc/fb13cc/

This document is published at the celebration of Stalin's Fiftieth Birth Day; there is a speech made by Stalin wishing to stir up military troubles among Capitalist countries. This document with others will show that Japan was forced to resort to war unwillingly.

3. Tung-Ping Daily News (Tohoku-Nippo), January 15, 1932
Location: Tung-Ping Daily Press Co., Mukden, Manchuria.

This document contains a report on Mukden Four Races Preservation Council which consists of 28 private associations. That report is entitled as "Our Expectation for the Establishment of a New State in Manchuria and Mongolia", signed by 862,000 members and Wang Wei-Chou was selected as chairman and representative.

The facts concerning which this document will show are: the establishment of Manchoukuo was the result of the joint desire of the four races domiciled in Manchuria.

4. Pamphlets entitled as follows: Published by the Young People's Federation of Manchuria. 1931-1932.
Location: Los Angeles Library.

a. "The Stand of this Federation."
b. "Is China really a State?"
c. "Outline of the Sino-Japanese Clash in Manchuria."
d. "Evidences that the Chinese 'Non-Resistance Policy was a Hoax'".
e. "What happened immediately after the Blowing up of the Railway Track by the Chinese Soldiers."
f. "The Reason for Chastising the Chinese Troops near Chan-Chun."

PURL: http://www.legal-tools.org/doc/fb13cc/

g. "Devastation by Fugitive Soldiers and Hung Hu Dzu."

h. "Study of the Chinese Army in connection with the Present Clash."

i. "Statistics on Sino-Japanese Fighting."

j. "Some Facts which Prevent Japan from Withdrawing Her Troops."

5. Documents located at Washington Document Center, Stuart Bldg., Washington D. C. and described as follows:

Shipping Advice 15072

Crate No.	Items No.	Description
95	116	"File of classified Correspondence and Records dealing with Manchurian Affairs", 1932.
95	116	"File of classified Correspondence and Records dealing with Manchurian Affairs". 1934
51 & 52	39	"Appendix to the File of Correspondence and Records dealing with Manchurian Affairs", 1934.

B. WITNESSES:

Ro Un Kyo ——— Nationality: Korean.
Address : Seoul, Korea.
An influential member of Korean Political party.
The witness is the one of Koreans who planned the Korean Independence and has gone to Shanghai and established the Korean Independent Government there.

The facts concerning which this witness will testify are: that the accused OKAWA, Shumei did not plan or take part in any alleged invasion of South Sea Areas (including Pacific Islands), or alleged plan for World conquest by Japan.

PURL: http://www.legal-tools.org/doc/fb13cc/

Sakatani, Kiichi — Nationality: Japanese
Address : supposed to be in Peking
Vice-Chief of the General Affair Board in Manchuria.

The facts concerning which this witness can give testimony are: the government policy of Manchoukuo was decided in accordance with the wills and desires of Manchurian people: That is to say that the Manchurian Government was not a puppet at all. The finance and financial activities in Manchuria were planned and carried out as a commercial or economic enterprise beneficial to all residents in Manchuria in accordance with laws and agreements of Manchuria.

WHEREFORE, your petitioner prays that appropriate order of this Tribunal be made and entered directing the production of the above named documents and witnesses at this trial.

The precise date upon which such witnesses testimony will be given are not known to the petitioner.

OKAWA, Shumei

By

OHHARA, Shinichi

BROOKS, Alfred W.

PURL: http://www.legal-tools.org/doc/fb13cc/

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INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

Sitting at Tokyo, Japan

THE UNITED STATES OF AMERICA; et al

- vs -

ARAKI, Sadao; et al

APPLICATION OF THE ACCUSED MUTO, AKIRA FOR THE PRODUCTION OF WITNESSES

NOW COMES THE ACCUSED MUTO, Akira and requests an order and process for the production of the following persons as witnesses in his behalf:

1. TERADA Seiichi
   a. This person is a Japanese, resident in Tokyo;
   b. At the time of the China Incident he was on the General Staff and will give relevant testimony as to operational plans and particularly as to MUTO's lack of responsibility in any plans or conspiracy in the China Incident;
2. SAITO Yoshie
   a. This person is a Japanese, resident in Tokyo;
   b. This person was a diplomatic advisor to General Matsui and can give relevant testimony bearing on MUTO's lack of responsibility for the so-called Nanking Affair;
3. NAKAYAMA Yasuto
   a. This person is a Japanese, resident in Tokyo;
   b. He was formerly a Staff Officer under General MATSUI and can give relevant testimony as to MUTO's lack of responsibility for the so-called Nanking Affair;

PURL: http://www.legal-tools.org/doc/1ebe47/

4. MATSUI Iwane

a. This person is of Japanese nationality and is one of the accused in the present trial;

b. He can give relevant testimony similar to that of SAITO and NAKAYAMA, above;

5. IWAKURO Hideo

a. This person is a Japanese, resident of Tokyo;

b. He was formerly in charge of a section in the Military Affairs Bureau under MUTO and can give relevant testimony as to MUTO's policies, declarations, utterances and attitude toward the initiation of war;

6. IKAWA Tadao

a. This person is a Japanese, resident of Tokyo;

b. This person took part in the pre-war negotiations with United States and will give relevant testimony as to MUTO's policies, opinions and intentions

7. ISHII Akiho

a. This person is a Japanese, resident of Nagano Prefecture;

b. He was formerly chief of a division of the Military Affairs Section under MUTO and was thoroughly familiar with United States-Japanese negotiations. He will give relevant testimony regarding said negotiations and MUTO's connection therewith;

8. SATO Kenryo

a. This person is a Japanese and is one of the accused in the present trial;

b. He will give relevant testimony very similar to that of ISHII above;

PURL: http://www.legal-tools.org/doc/1ebe47/

9. NISHIURA Susumu

a. This person is a Japanese, resident of Tokyo;

b. He was a senior member of a section in the Military Affairs Bureau when MUTO was Chief of said bureau and is an authority on Japanese army system and organization. He will give relevant testimony as to the organization of the army and the duties, responsibilities and powers of such offices as were held by MUTO;

10. YAMAMOTO Kumaichi

a. This person is a Japanese, resident of Tokyo;

b. He was Chief of a bureau with the Foreign Office when MUTO was Chief of Military Affairs Bureau and will give relevant testimony as to MUTO's efforts for a peaceful settlement with the United States;

11. OASA Tadao

a. This person is a Japanese, resident of Tokyo;

b. He was formerly a Minister of State and will give relevant testimony as to MUTO's alleged political activities;

12. YUZAWA Michio

a. This person is a Japanese, resident of Tokyo;

b. He was formerly Vice Minister of Home Affairs, later Home Minister, and will give relevant testimony similar to that of OASA above;

13. KANEI Kan-ichiro

a. This person is a Japanese and resident of Kamakura;

b. He was a former member of House of Representatives and will give relevant testimony showing that MUTO acted strictly within the scope of his duties as Chief of the Military Affairs Bureau;

PURL: http://www.legal-tools.org/doc/1ebe47/

14. HOSHINO Naoki

a. This person is of Japanese nationality and one of the accused in the present trial;

b. Formerly Chief Secretary of the Cabinet, he will give relevant testimony regarding MUTO's alleged participation in various conferences, and particularly on the duties of an "explainer" in such conferences;

15. TOJO Hideki

a. This person is of Japanese nationality and one of the accused in the present trial;

b. As former Premier and War Minister, he will give relevant testimony as to duties, responsibilities and powers of the Chief of the Military Affairs Bureau;

WHEREFORE, your petitioner prays that an appropriate order be entered herein directing the production of the above named witnesses.

The precise date upon which such witnesses before the Tribunal will be required cannot be stated at this time, but the petitioner states that the need for their availability for purposes of interview and consultation is immediate.

MUTO Akira

by

/s/ S. Okamoto
/t/ OKAMOTO Shoichi

/s/ Roger F. Cole
/t/ Roger F. Cole
His Counsel

November 8, 1946

PURL: http://www.legal-tools.org/doc/1ebe47/

5445

Received NTT 2 Jan 46

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

Sitting at Tokyo, Japan

Case No. 1

UNITED STATES OF AMERICA, et al

- v -

ARAKI, Sadao, et al

APPLICATION ON BEHALF OF THE ACCUSED MATSUI, Iwane, FOR AN ORDER FOR PRODUCTION OF WITNESSES.

Comes now the accused herein MATSUI, Iwane, and makes known to this Tribunal that he is desirous of obtaining from this Tribunal an order and process for the production of the following named persons as witnesses in his behalf at this trial.

MUTO, Akira — This witness' nationality is Japanese. He is in custody in Sugamo Prison, Tokyo, Japan.

He was Lieutenant-General and Vice Chief of Staff, the Expeditionary Force in Central China, at the time MATSUI, Iwane, was Commander-in-Chief of said Force.

The facts concerning which this witness can give testimony are: - That as Vice Chief of Staff, the expeditionary Force in Central China in 1937-1938, when operations about Shanghai and Nanking occurred, acting on the instructions of MATSUI, Iwane, Commander-in-Chief of said Force, he endeavored to confine the fighting between Japan and China and prevent it from spreading into large scale operation, and protect life and property of Chinese and foreigners, the rights and interests of foreign countries, and every institution of culture; that the purpose of the operations at Shanghai and Nanking was to defend the life and rights of Japanese Nationals in Central China.

This testimony will dispute that adduced by the prosecution tending to show aggression and the responsibility of this accused for any improper treatment of person or property.

HARADA, Kumakichi — This witness' nationality is Japanese. He is said to be in custody of the British in Singapore.

He was Lieutenant-General and Commander of the Special Service Section in Shanghai at the time MATUSI, Iwane, was Commander-in-Chief of the Expeditionary Force in Central China.

PURL: http://www.legal-tools.org/doc/d0a443/

The facts concerning which this witness can give testimony are: - That as Commander of the Special Service Section in Shanghai, at the time MATSUI, Iwane, was Commander-in-Chief of the Expeditionary Force in Central China, in 1937-1938, when operations about Shanghai and Nanking occured, he was sent to Shanghai by Japanese Government under orders to endeavour to end the strife between Japan and China, because Japanese Government did not desire the affair to spread into large scale warfare; that he has knowledge concerning the orders issued by MATSUI and procedures carried out, when above operations occured, in order to protect life and property of Chinese and foreigners, the rights and interests of foreign countries, and every institution of culture, and will testify that such orders and procedures ordered said protection.

The relevancy of this testimony lies in that it will dispute the claim of the prosecution and its evidence in support thereof tending to show that such incident Japan was the aggressor and its claim MATSUI is responsible for any improper treatment of persons or property.

WHEREFORE, your petitioner prays that appropriate order be entered herein for the issuance of process ad testificandum for the production of said witnesses at this trial.

The precise time when the testimony of these witnesses will be given is unknown to this petitioner, but he states that as to the witness HARADA, said to be in custody at Singapore, the necessity for his presence in Tokyo for interview and consultation is current.

MATSUI, Iwane

By_____
ITO, Kiyoshi

_____
JODAI, Takayoshi

_____
Floyd J. Mattice
His Counsel

PURL: http://www.legal-tools.org/doc/d0a443/

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

Sitting at Tokyo, Japan

Case No. 1

UNITED STATES OF AMERICA, et al

- v -

ARAKI, Sadao, et al

APPLICATION ON BEHALF OF THE ACCUSED MATSUI, Iwane, FOR AN ORDER FOR PRODUCTION OF WITNESSES.

Comes now the accused herein MATSUI, Iwane, and makes known to this Tribunal that he is desirous of obtaining from this Tribunal an order and process for the production of the following named persons as witnesses in his behalf at this trial.

MUTO, Akira — This witness' nationality is Japanese. He is in custody in Sugamo Prison, Tokyo, Japan.

He was Lieutenant-General and Vice Chief of Staff, the Expeditionary Force in Central China, at the time MATSUI, Iwane, was Commander-in-Chief of said Force.

The facts concerning which this witness can give testimony are: - That as Vice Chief of Staff, the expeditionary Force in Central China in 1937-1938, when operations about Shanghai and Nanking occurred, acting on the instructions of MATSUI, Iwane, Commander-in-Chief of said Force, he endeavored to confine the fighting between Japan and China and prevent it from spreading into large scale operation, and protect life and property of Chinese and foreigners, the rights and interests of foreign countries, and every institution of culture; that the purpose of the operations at Shanghai and Nanking was to defend the life and rights of Japanese Nationals in Central China.

This testimony will dispute that adduced by the prosecution tending to show aggression and the responsibility of this accused for any improper treatment of person or property.

HARADA, Kumakichi — This witness' nationality is Japanese. He is said to be in custody of the British in Singapore.

He was Lieutenant-General and Commander of the Special Service Section in Shanghai at the time MATUSI, Iwane, was Commander-in-Chief of the Expeditionary Force in Central China.

PURL: http://www.legal-tools.org/doc/470f4e/

The facts concerning which this witness can give testimony are: - That as Commander of the Special Service Section in Shanghai, at the time MATSUI, Iwane, was Commander-in-Chief of the Expeditionary Force in Central China, in 1937-1938, when operations about Shanghai and Nanking occured, he was sent to Shanghai by Japanese Government under orders to endeavour to end the strife between Japan and China, because Japanese Government did not desire the affair to spread into large scale warfare; that he has knowledge concerning the orders issued by MATSUI and procedures carried out, when above operations occured, in order to protect life and property of Chinese and foreigners, the rights and interests of foreign countries, and every institution of culture, and will testify that such orders and procedures ordered said protection.

The relevancy of this testimony lies in that it will dispute the claim of the prosecution and its evidence in support thereof tending to show that such incident Japan was the aggressor and its claim MATSUI is responsible for any improper treatment of persons or property.

WHEREFORE, your petitioner prays that appropriate order be entered herein for the issuance of process ad testificandum for the production of said witnesses at this trial.

The precise time when the testimony of these witnesses will be given is unknown to this petitioner, but he states that as to the witness HARADA, said to be in custody at Singapore, the necessity for his presence in Tokyo for interview and consultation is current.

MATSUI, Iwane

By_____
ITO, Kiyoshi

_____
JODAI, Takayoshi

_____
Floyd J. Mattice
His Counsel

PURL: http://www.legal-tools.org/doc/470f4e/

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INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA, et al

- vs -

ARAKI, Sadao, et al

APPLICATION OF THE ACCUSED MUTO, AKIRA FOR THE PRODUCTION OF DOCUMENTS

NOW COMES THE ACCUSED MUTO, Akira and requests an order and process for the production of the following documents:

1. a. Imperial Ordinance of 23 December 1941 regarding regulation of prisoner of war camps;

   b. Imperial Ordinance of 27 December 1941 regarding Prisoner of War Information Bureau;

   c. Letter of Advice to troops, from Japanese War Ministry, regarding treatment of enemy medical personnel;

   d. Message dated 29 January 1942 from Foreign Minister TOGO to the United States, Britain, and other countries, through a neutral country, replying to inquiries regarding future treatment of prisoners of war;

   e. Rules of the War Ministry setting up the "Control Department" relative to prisoner of war;

   f. "Order for service to the Higher Headquarters during wartime";

PURL: http://www.legal-tools.org/doc/c3dcab/

g. "Ordinance of the Supreme War Council";

2. The above documents are thought to be located in the files of the former Japanese War Ministry;

3. The first five documents listed in Paragraph 1 are relevant as tending to establish the policy of the Japanese Government regarding prisoner of war; the latter two documents listed are relevant in that they show the duties and responsibilities of certain offices formerly held by the accused MUTO;

WHEREFORE, your petitioner prays that an appropriate order be entered herein for the issuance of process for the production of each of said documents.

MUTO Akira

by

OKAMOTO Shoichi

Roger F. Cole

His Counsel

November 12, 1946

PURL: http://www.legal-tools.org/doc/c3dcab/

Read Into Rec Nov 20 Pm 7(6)

INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST

THE UNITED STATES OF AMERICA, et al

- vs -

ARAKI, Sadao, et al

- Defendants -

MOTION FOR PRODUCTION OF WITNESSES

1. COMES NOW NAGANO, Osami and OKA, Takasumi being accused now on trial before this Tribunal, and in accordance with Section III, Article 9 (e) of the Charter as well as Order No. 492 of the Tribunal, respectfully request an order for the production of the following named witnesses considered necessary in their respective defenses.

A. TOYODA, Soemu;

(a) Nationality of the witness is Japanese.

(b) He was an Admiral in the Japanese Navy and was in attendance at negotiations pertaining to the London Naval Conference. He is at present confined in Sugamo Prison.

(c) His testimony is considered relative to the defen of the above accused and concerns matters mentioned in Appendix A, Section Three of the Indictment.

B. FUKUTOME, Shigeru;

(a) Nationality of the witness is Japanese.

(b) He was a Vice-Admiral in the Japanese Navy and at present is in Singapore, although it is believed that he is not confined as a prisoner of war.

(c) This witness is desired because of Defense's belief that he was a liaison officer between the Naval General Staff and the Foreign Ministry. His testimony is considered necessary in regard to Counts 7, 20 and 39 of the Indictment.

C. OKOCHI, Denshichi;

(a) Nationality of the witness is Japanese.

(b) He was a Vice-Admiral in the Japanese Navy and is at present in Manila, believed to be a prisoner of war.

PURL: http://www.legal-tools.org/doc/e88f48/

(c) His testimony is desired for the purpose of answering allegations in Appendix A, Section Nine of the Indictment, since witness was Commanding Naval Officer at the time of the matters mentioned in the Indictment pertaining to Shanghai.

D. ONODA, Sutegiro;

(a) Nationality of the witness is Japanese.

(b) He was a naval captain and assistant to the above named FUKUTOME. He is believed to be in Singapore at the present time although not a prisoner of war.

(c) As assistant to the above named FUKUTOME, it is believed this witness may be able to supply information vital to the Defense in regard to liaison matters between the Naval General Staff and the Foreign Ministry.

2. It is respectfully represented to the Tribunal that the particular time that each witness may be required to appear and testify can not at this time be accurately stated, but their attendance for examination and consultation by counsel for accused is considered necessary forthwith.

3. The above named accused have joined their requests for witnesse in this one document since they are naval defendants and consider the witnesses so requested as necessary for each of their respective defenses.

WHEREFORE the above accused pray for an order of the Tribunal as before stated and for such other and further relief which the Tribunal deems meet and just.

Dated, Tokyo, Japan
12 November 1946

NAGANO, Osami
by his counsel

_____
OKUYAMA, Hachiro
and

_____
John G. Brannon

PURL: http://www.legal-tools.org/doc/e88f48/

(c) His testimony is desired for the purpose of answering allegations in Appendix A, Section Nine of the Indictment, since witness was Commanding Naval Officer at the time of the matters mentioned in the Indictment pertaining to Shanghai.

D. ONODA, Sutegiro;

(a) Nationality of the witness is Japanese.

(b) He was a naval captain and assistant to the above named FUKUTOME. He is believed to be in Singapore at the present time although not a prisoner of war.

(c) As assistant to the above named FUKUTOME, it is believed this witness may be able to supply information vital to the Defense in regard to liaison matters between the Naval General Staff and the Foreign Ministry.

2. It is respectfully represented to the Tribunal that the particular time that each witness may be required to appear and testify can not at this time be accurately stated, but their attendance for examination and consultation by counsel for accused is considered necessary forthwith.

3. The above named accused have joined their requests for witnesses in this one document since they are naval defendants and consider the witnesses so requested as necessary for each of their respective defenses.

WHEREFORE the above accused pray for an order of the Tribunal as before stated and for such other and further relief which the Tribunal deems meet and just.

Dated, Tokyo, Japan
12 November 1946

NAGANO, Osami
by his counsel

_____
OKUYAMA, Hachiro

and

_____
John G. Brannon

PURL: http://www.legal-tools.org/doc/e88f48/

OKA, Takasumi

by his counsel

_____

SOMIYA, Shinji

and

_____

Franklin E. N. Warren

PURL: http://www.legal-tools.org/doc/e88f48/

INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST

Paper No. 559

THE UNITED STATES OF AMERICA, et al

vs

ARAKI, Sadao, et al

- Defendants -

1. COMES NOW SHIMADA, Shigetaro, being one of the accused now on trial before this Tribunal, and in accordance with Section III, Article 9 (e) of the Charter, together with Order No. 492 of the Tribunal, respectfully requests an order for the production of the following named witnesses and documents considered necessary in his defense:

A. TOYODA, Soemu;

(a) Nationality of the witness is Japanese;

(b) He was an Admiral in the Japanese Navy and was in attendance at negotiations pertaining to the London Naval Conference. He is at present confined in Sugamo Prison;

(c) His testimony is considered relative to the defense of the above accused and concerns matters mentioned in Appendix A, Section Three of the Indictment;

B. FUKUTOME, Shigeru;

(a) Nationality of the witness is Japanese;

(b) He was a Vice Admiral in the Japanese Navy and at present is in Singapore, although it is believed that he is not confined as a prisoner of war;

(c) This witness is desired because of Defense's belief

PURL: http://www.legal-tools.org/doc/fb4624/

that he was a Liaison Officer between the Naval General Staff and the Foreign Ministry. His testimony is considered necessary in regard to Counts 7, 20, and 39 of the Indictment;

C. OKOCHI, Denshichi;

(a) Nationality of the witness is Japanese;

(b) He was a Vice Admiral in the Japanese Navy and is at present in Manila, believed to be a prisoner of war;

(c) His testimony is desired for the purpose of answering allegations in Appendix A, Section Nine of the Indictment, since witness was Commanding Naval Officer at the time of the matters mentioned in the Indictment pertaining to Shanghai;

D. ONODA, Sutejiro;

(a) Nationality of the witness is Japanese;

(b) He was a Naval captain and assistant to the above-named FUKUTOME. He is believed to be in Singapore at the present time although not a prisoner of war;

(c) As assistant to the above-named FUKUTOME, it is believed this witness may be able to supply information vital to the Defense in regard to liaison matters between the Naval General Staff and the Foreign Ministry;

E. OIKAWA, Koshiro;

(a) Nationality of the witness is Japanese;

(b) He was former Navy Minister preceding the accused SHIMADA;

PURL: http://www.legal-tools.org/doc/fb4624/

(c) His testimony is considered relevant to the defense of the accused, and concerning matters mentioned in Counts 7, 20, and 39 of the Indictment, et al;

F. YOSHIDA, Zengo;

(a) Nationality of the witness is Japanese;

(b) He was former Navy Minister and Admiral in the Japanese Navy;

(c) His testimony is considered relevant to the defense of the accused; and concerning matters mentioned in Counts 7, 20, and 39 of the Indictment, et al;

G. SAWAMOTO, Yoshio;

(a) Nationality of the witness is Japanese;

(b) His testimony is considered relevant in connection with the Japanese occupation of South French Indo-China; the defense of the South Sea Islands, and the Japanese-American Negotiations, together with the circumstances that led to the war;

H. NOMURA, Kichisaburo;

(a) Nationality of the witness is Japanese;

(b) He was Ambassador to the United States at time of the attack on Pearl Harbor;

(c) His testimony is considered relevant and important, and concerns events leading up to the breaking off of diplomatic relations with the United States;

LIST OF RECORDS AND DOCUMENTS REQUESTED, RESERVING THE RIGHT TO INSPECT AND WITHDRAW FROM THE FILES THOSE WHICH ARE PERTINENT AND RELEVANT TO THE DEFENSE OF THE SAID ACCUSED:

The following tables compiled by the United States Navy Department:

PURL: http://www.legal-tools.org/doc/fb4624/

A. Separate tables, each of which showing the number and displacement tonnage of each kind of warship (1) completed and (2) still in the progress of being built on 7 December 1941, together with those that show those figures at the end of every year beginning from 1931 to 1945;

B. List of battleships, airplane carriers and A and B classes of cruisers in the period mentioned;

C. List of Navy personnel for the same period, including reserves;

D. Tables showing construction plan of warships and Navy airplanes for same period;

E. Records of the United States Senate, as well as those of Committees of Foreign Affairs and Navy from April 1930 to 1945, located in the files of the United States Senate;

F. Records of the meetings of the United States Naval Committee of the Senate, dating from 1940, located in the files of the United States Senate;

G. All diplomatic documents and telegrams between the United States of America and England, dating from April 1941 to January 1, 1942, located in the United States Department of State and also in the British Foreign Ministry;

H. All official documents pertaining to the Yalta, Quebec, and Pacific Conferences, located in the United States Department of State and also in the British Foreign Ministry;

I. United States documents pertaining to the Japanese-

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American Conference, located in the United States Department of State;

J. "The Conduct of the Sea Campaign", (Yarnel, Pye, Frost, 1920) located in the United States Navy Department;

K. "Woodrow Wilson, the World Settlement", published in the United States of America in 1928;

L. "Life", an American magazine published on 24 October 1945;

M. "Jane's Fighting Ships", 1941, 1942, published by Sampson, Low, Marston & Co., Ltd., London.

CHARACTER WITNESSES REQUESTED BY THE ACCUSED:

A. Captain H. H. SMITH-HUTTON;

(a) Nationality of the witness is American;

(b) He was former Naval Attache, American Embassy, Tokyo, Japan, and was well acquainted with the accused;

(c) It is believed he will testify as to the accused's general reputation; he is at present in command of the USS LITTLE ROCK(CL92), % Postmaster, New York. Permission to submit interrogatories will be requested later;

B. KANEKO, Kiyota;

(a) Nationality of the witness is Japanese;

(b) He will testify as to the general reputation of the accused;

C. SHIZEKI, Ihei;

(a) Nationality of the witness is Japanese;

(b) He will testify as to the general reputation of the accused;

2. The facts to be proved by these witnesses are the policies,

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utterances and actions of the accused SHIMADA during the time in which he is charged by the Indictment;

3. That the documents requested are all relevant and material for the purpose of establishing the growing strength of the United States Navy and the manner in which the foreign policy of the United States was carried on, and the conversations and publications which established it;

4. The relevance of the testimony of these witnesses, all of whom were associated with the accused SHIMADA in various capacities at the time charged in the Indictment is, in its tendency, to establish that the accused SHIMADA took no part in any of the conspiracies charged to him, and was not in any way connected with the planning, initiating or waging of wars of aggression;

5. The date upon which attendance of the witnesses will be required for testifying cannot be stated accurately, but their attendance for consultation with counsel is required forthwith.

SHIMADA, Shigetaro

By his counsel

_____

TAKAHASHI, Yoshitsugu

and

_____

Edward P. McDermott

Dated 15 November 1946,
Tokyo, Japan

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INTERNATIONAL MILITARY TRIBUNAL FOR THE
FAR EAST TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al

- VS -

ARAKI, Sadao, et al

-Defendant-

APPLICATION ON BEHALF OF HASHIMOTO, Kingoro, FOR AN ORDER FOR THE PRODUCTION OF WITNESSES AND DOCUMENTS

A. COMES NOW HASHIMOTO, Kingoro, and respectfully requests the Tribunal, in accordance with Section III, Article 9 (e) of the Charter, to order the production of the following named witnesses necessary to his defense:

1. OTA, Kozo

   a. The nationality of the witness is Japanese;

   b. The witness is now in Sugamo Prison;

   c. The witness was at various times Chief Secretary of the Hiranuma Cabinet, Secretary General of the Imperial Rules Assistance Association, and Education Minister in the Suzuki Cabinet;

   d. The facts expected to be proved by this witness are that:

      (1) "KODO" or the "Imperial Way" was a principle which did not contemplate aggression;

      (2) The purpose of the Reform Movements, with which the defendant HASHIMOTO

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was connected, was to cleanse politics of corrupt influences;

(3) The purpose and intent of the Imperial Rules Assistance Association, with which the defendant HASHIMOTO was connected at one time, were not aggression, and other relevant matters:

e. The testimony of this witness to the defense of the accused is considered necessary in regard to Counts Nos. 1 and 2, and Appendices A (Section6) and E of the Indictment.

2. WACHI, Takaji

a. The nationality of the witness is Japanese;

b. The witness is now in Sugamo Prison;

c. The witness was a Lieutenant General in the Japanese Army and was a member of "Sakura-Kai" or the "Cherry Blossom Society." This witness participated in the October Incident and is thoroughly familiar with the March Incident;

d. The facts expected to be proved by this witness are that:

(1) The purpose and activities of "Sakura-kai," of which the defendant HASHIMOTO was a member, were merely internal reform of the nation;

(2) The purposes of the October and March Incidents were the internal reform of the Japanese Army, and other relevant matters;

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e. The testimony of this witness to the defense of the accused is considered necessary in regard to Counts Nos. 1, 2, 18, and 19. and Appendices A (Sections 1 and 2) and E of the Indictment.

3. TERADA, Masao

a. The nationality of the witness is Japanese;

b. The witness is now residing in Fukui Prefecture, Japan;

c. The witness was a Lieutenant General in the Japanese Army and was at one time one of the Staff Officers of the YANAGAWA Army in the China area. The defendant HASHIMOTO was a commanding officer of one of the Units of the Yanagawa Army;

d. The facts expected to be proved by this witness are that:

(1) The shelling of the "Ladybird" was an accident due to the dense fog;

(2) The said shelling order was issued from the Headquarters of the Yanagawa Army, and other relevant matters;

e. The testimony of this witness to the defense of the accused is considered necessary in regard to Count No. 7 and Appendices A (Section 9) and E of the Indictment.

4. IKEZAKI, Chuko

a. The nationality of the witness is Japanese;

b. The witness is now in Sugamo Prison;

c. The witness was a member of the Japanese Diet,

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an official of the Education Ministry and was one of the leading authorities in Japan on Military matters;

d. The facts expected to be proved by this witness are that:

(1) The opinions of HASHIMOTO as expressed in his published books and magazine articles were merely representative of current Japanese thought and public opinion and were not distinct in being that of a particular individual intent on preparing the public for aggression;

e. The testimony of this witness to the defense of the accused is considered necessary in regard to Counts Nos. 5, 7, 8, and 20. and Appendices A (Sections 7 and 9) of the Indictment.

B. The defendant HASHIMOTO further requests the Tribunal in accordance with Section III, Article 9 (e) of the Charter, to order the production of the following documents necessary to his defense:

1. The complete file of documents dealing with the "Ladybird Incident" such file being at present in the Japanese Foreign Office, Tokyo, Japan;
2. The complete file of documents dealing with the "Panay Incident" such file being at present in the Japanese Foreign Office, Tokyo, Japan.

The above mentioned documents may be needed as defense evidence to show that the accused is not responsible as charged by the Indictment.

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WHEREFORE, your petitioner prays that appropriate order be entered herein for the issuance of process of this Tribunal for the production of the aforesaid witnesses and documents.

Dated, Tokyo, Japan
18 November 1946

HASHIMOTO, Kingoro
By

HAYASHI, Itsuro

HARRIS, E. Richard
His Counsel

PURL: http://www.legal-tools.org/doc/beb305/

INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST

THE UNITED STATES OF AMERICA, et al

- VS -

ARAKI, Sadao, et al

- Defendants -

REQUEST FOR PRODUCTION OF WITNESSES AND DOCUMENTS

NOW COMES UMEZU Yoshijirō and requests the Tribunal, in accordance with Article 9(e) of the Charter, to order the production of the following witnesses and documents necessary to his defense:

I. Witnesses

1. Lieutenant General TOMINAGA Kyōji
   (a) The nationality of the witness is Japanese;
   (b) The present address of the witness is unknown; his affidavits introduced in this case by the prosecution show him to be a prisoner of war of the Soviet forces in Siberia;
2. Colonel ASADA Saburō
   (a) The nationality of the witness is Japanese;
   (b) His last official position was staff officer of the Kwantung Army, Hsingking, and his present address is prisoner of war of the Soviet forces;
3. Lieutenant General YANAGIDA Motozō
   (a) The nationality of the witness is Japanese;
   (b) The present address of the witness is unknown but affidavits introduced in this case by the prosecution show him to be a prisoner of war of the Soviet forces in Siberia;

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4. Lieutenant General TANABE Moritake

(a) The nationality of the witness is Japanese;

(b) The present address of the witness is unknown; his last official position was commanding general of the 25th Army in Sumatra. He is now believed to be a prisoner of war of the Netherlands forces in the Netherlands East Indies;

5. Lieutenant General MUTAGUCHI Ren-ya

(a) The nationality of the witness is Japanese;

(b) The present address of the witness is unknown; his last official position was commandant of the Preparatory Military Academy in Tokyo, and after the end of the war he was transferred from Sugamo Prison to Singapore for trial as a war criminal;

6. General KAWABE Masakazu

(a) The nationality of the witness is Japanese;

(b) The present address of the witness is Sugamo Prison;

7. ISHIKAWA Jun

(a) The nationality of the witness is Japanese;

(b) The present address of the witness is Naritashi, Chiba-Ken;

8. Lieutenant General KASAHARA Yukio

(a) The nationality of the witness is Japanese;

(b) The present address of the witness is Kobune, Shimonakamura, Ashigarashimogun, Kanagawa-Ken;

9. TAKAKURA Tadashi

(a) The nationality of the witness is Japanese;

(b) The present address of the witness is 4-Chome, Kumamoto-Chō Hida, Ōita-Ken;

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10. Major General KASHIWA Toku

(a) The nationality of the witness is Japanese;

(b) The present address of the witness is Fukushimashi, Fukushima-Ken;

11. Lieutenant General KAWABE Torashirō

(a) The nationality of the witness is Japanese;

(b) The present address of the witness is Nagoyashi, Aichi-Ken;

12. Mr. H. G. W. WOODHEAD

(a) The nationality of the witness is British;

(b) The present address of the witness is unknown but he is understood to be connected with a newspaper published in Canton, Kwangtung Province, China;

13. Mr. Wilhelm WAGNER

(a) The nationality of the witness is German;

(b) The present address of the witness is unknown but he is reported to be in Japan and interned under the supervision of the occupation forces;

14. KAWAGOE Shigeru

(a) The nationality of the witness is Japanese;

(b) The present address of the witness is 804 Horinouchi, Hayama, Kanagawa-Ken;

15. NATHAN (given name unknown)

(a) The nationality of the witness is British;

(b) The present address of the witness is unknown; he was interned in Peiping during the war and reported since the end of the war to have resumed his connection with the Kailan Mining Administration in Tientsin;

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The facts to be proved by these witnesses are the policies, utterances and actions of the defendant UMEZU during the period in which he is charged by the indictment herein;

The relevance of the witness' testimony is in its tendency to establish that the defendant UMEZU took no part in any of the conspiracies alleged in the indictment, and was not responsible for the planning, initiating or waging of wars of aggression;

The date upon which the attendance of the witnesses will be required for testifying cannot be stated accurately; but their attendance for consultation with counsel is required forthwith.

II. Documents

1. Principles of Plans of Operations of the Imperial Army (Teikoku Rikugun Sakusen Keikaku Yōkō), prepared in the autumns of the years 1940, 1941, 1942 and 1943 respectively, by the Japanese General Staff and forwarded to the headquarters of the Kwantung Army;
2. Principles for Preparation of Operations of the Kwantung Army (Kantōgun Sakusen Jumbi Yōkō), February 1942, prepared by the Japanese General Staff and forwarded to the headquarters of the Kwantung Army;
3. Operations Plan of the Kwantung Army (Kantōgun Sakusen Keikaku), prepared in the springs of the years 1940, 1941, 1942, 1943 and 1944 by the headquarters of the Kwantung Army;
4. Border Guard Regulations of the Kwantung Army (Kokkyō Keibi Yōkō), prepared in September or October 1939 by the headquarters of the Kwantung Army;
5. Kwantung Army Special Maneuvers (Kantōgun Tokubetsu

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Enshū, commonly referred to as Kantokuen), prepared in the summer of 1941 by the Japanese General Staff and forwarded to the headquarters of the Kwantung Army.

All of these documents were kept in the secret files, especially the Secret Instructions File of the headquarters of the Kwantung Army, located in the operations room of the Kwantung Army headquarters building in Hsingking, Manchuria.

The relevance of these documents is that they will prove the character and scope of operations and other plans of the Japanese army, and notably of the Kwantung Army, vis-a-vis the USSR.

UMEZU Yoshijirō

By

MIYATA Mitsuo

Ben Bruce Blakeney

His Counsel

18 November 1946

PURL: http://www.legal-tools.org/doc/b30590/

THE UNITED STATES OF AMERICA, et al

- vs -

ARAKI, Sadao, et al

- Defendants -

REQUEST FOR PRODUCTION OF WITNESSES AND DOCUMENTS

1. NOW COMES TOJO, HIDEKI by his counsel of record and respectfully requests the Tribunal, in accordance with Section 3, Article 9, Paragraph 3 of the Charter and pursuant to the order of the Tribunal, dated at Tokyo, Japan on the 24th day of October, paper bearing No. 492 to order the production of the following witnesses and documents necessary for his defense;

1. SUZUKI, Kantaro - No. 737 Sekiyado - machi, Higashi-Katsushika Gun, Chiba, Prefecture, Prime Minister September, 1945.

(a) The nationality of the witness is Japanese;

(b) This witness will be able to testify to the facts pertaining to the acceptance of surrender and the understanding of the Cabinet Council as to their understanding of the terms there under.

2. OKADA, Tadahiko - 19 Nakano - cho, Azabuku, Tokyo. Welfare Minister in September 1945 and formerly speaker of the House of Representatives.

(a) The nationality of the witness is Japanese;

(b) This witness will be able to testify as a member of the Suzuki Cabinet to the acceptance of the Potsdam Declaration and the understanding of the cabinet as to the meaning of the terms there under. He will also be able to testify regarding the nature and purposes of the Imperial Rule Assistance Association and the Imperial Rule Political Assistance Society.

3. OHTA, Koso - Education Minister in September 1945. At present confined in Sugamo Prison.

(a) The nationality of the witness is Japanese;

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(b) This witness will be able to testify as a member of the Suzuki Cabinet and with regard to the understanding as to the terms of the surrender. The witness will also be able to testify regarding the fundamental principles of Japanese education and to the objects and purposes of military training in Japanese schools. Further he will be able to testify as to the nature and purposes of various organizations and associations.

4. SHINOBU, Dzunpei - Kashiwas - machi, Chiba Prefecture. International lawyer and member of the Imperial Acadamy.

(a) The nationality of the witness is Japanese;

(b) This witness will be called for the purpose of testifying as to the understanding of the term "war criminals" among Japanese lawyers.

5. IWATA, Ainosuke - No. 8 Shirokane - daima-chi 1 chome, Shinbaku, Tokyo. Leader of "Aikoku-sha."

(a) The nationality of the witness is Japanese;

(b) This witness will be able to testify as to the aims and purposes of various organizations existing prior to the war and also to the facts concerning the "March Incident" and "October Incident."

6. WACHI, Takaji - In Sugamo Prison but at present taken to the Philippines as witness in war crimes trials.

(a) The nationality of the witness is Japanese;

(b) This witness will be able to testify to the true nature and aims of "Sakura-Kai" and also the facts concerning the March and October Incidents.

7. HIGUCHI, Ki-ichiro - 718 Den-en-chofu, 3 chome, Setagaya-ku, Tokyo. Former Lieutenant General.

(a) The nationality of the witness is Japanese;

(b) This witness will be able to testify as to the aims and purposes of various organizations and associations and particularly with reference as to the formation and membership of the "Sakura-Kai."

8. KOGA, Kiyoshi - Nakameguro, Meguroku, Tokyo. Former navy lieutenant.

(a) The nationality of the witness is Japanese;

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(b) This witness will be able to testify in connection with the assassination of Premier Inugai and as to the events pertaining to and involved in said affair.

9. TSUGITA, Daizaburo - 41 Ohtsuka Nakamachi, Koishi-gawa-Ku. Chief of Legislative Bureau in Hirota Cabinet and at present State Minister of the Yoshida Cabinet.

(a) The nationality of the witness is Japanese;

(b) This witness will testify concerning the Japanese system of the War and Navy Ministries and as to their selection and as to changes taking place in that system.

10. YOSHITADA, Wagata - 3 Hisaki, Zushi-cho in the city of Yokosuka. Former chief of the moving picture section of the Osaka Mainichi.

(a) The nationality of the witness is Japanese.

(b) This witness will be able to testify concerning the production of "Japan in Emergency" and the facts pertaining to the authorization of said production.

11. IKEZAKI, Chuko - Sugamo Prison. Formerly member of House of Representatives and also Editor in political matters.

(a) The nationality of the witness is Japanese;

(b) This witness will testify to relevant facts concerning Japaneses political parties and formation of cabinets.

12. SHIMADA, Tosio - 153 Kogai-cho Azabuku, Tokyo. Former speaker of House of Representatives and several times cabinet minister.

(a) The nationality of the witness is Japanese;

(b) This witness will be able to testify on general party politics and with regard to facts concerning the formation of cabinets since the Meiji Era.

13. MORIYAMI, Iiichi - 1075 Hiratsuka 7 chome, Ebaraku, Tokyo. Former president of legislative board.

(a) The nationality of the witness is Japanese;

(b) This witness will testify relative to constitutional organization and practices in Japan specifically as to the division of functions and responsibilities by the War Ministry and Chief of Staff.

PURL: http://www.legal-tools.org/doc/aa7e3f/

14. OKADA, Kikusabro - (Address to be supplied) Former Major General and former official of Cabinet Planning Board.

(a) The nationality of the witness is Japanese;

(b) This witness will be able to testify concerning the aims and purposes of the Five Year Plan of 1939.

15. MATSUDA, Reikichi - (Address to be supplied) Official in Cabinet Planning Board.

(a) The nationality of the witness is Japanese;

(b) This witness will testify as to the aims and objectives of the Board during the years 1937-1941.

16. KISHI, Shinsuke - Now in Sugamo Prison. Former Minister of Commerce and Industry and served as Official in Manchoukuo.

(a) The nationality of the witness is Japanese;

(b) This witness will testify regarding the aims and objectives for development of industry in relationship to the China Incident.

17. ILMURA, Minoru - 50 Soshigaya 2 chome, Setagaya-Ku, Tokyo. President of "Total War Research Institute"

(a) The nationality of the witness is Japanese;

(b) This witness will testify as to the nature and operation of the Institute.

18. ANDO, Kisaburo - Now in Sugamo Prison. Former president of "Imperial Rule Assistance Society"

(a) The nationality of the witness is Japanese;

(b) This witness will be able to testify to the relevant facts concerning the nature and objectives of the fore said society.

19. OASA, Tadao - Meiji Club, Nakadori No. 11 Maruno-uchi, Koji-machi-ku, Tokyo. Former director of Imperial Rule Assistance Political Society. He was also state minister in Koiso Cabinet.

(a) The nationality of the witness is Japanese;

(b) This witness is able to testify to facts concerning the nature and objectives of the said society and the relationship between that society and the Tojo Cabinet.

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20. YUZAWA, Michio - 228 Yoyogi-Sanya, Shibuyaku, Tokyo. Home Minister in Tojo Cabinet.

(a) The nationality of the witness is Japanese;

(b) He will be able to testify as to the principles of the Tojo Cabinet as concerns the question of public relations.

21. KOMAI, Tokuzo - Horinouchi Namamura, Sakagun, Gunma Prefecture. Former president of General Affairs Bureau of Manchukuo.

(a) The nationality of the witness is Japanese;

(b) This witness will be able to tesify regarding the political position of Manchukuo as an independent state.

22. KANAI, Shozi - City of Ueda, Nagano Prefecture. Formerly an official of Manchukuo and Menshen Administrative Council.

(a) The nationality of the witness is Japanese;

(b) He will be able to testify to economic aspects of Manchurian Incident and related aspects.

23. KATAKURA, Chu - No. 2658 Kami-Meguro 5 Chome, Meguroku, Tokyo. Former Major General with long service in Kwangtung Army.

(a) The nationality of the witness is Japanese;

(b) This witness is able to testify concerning the origin and development of the "Manchurian Incident".

24. UEDA, Kenkichi - Oiso Kanagawa Prefecture. Former Commander-in-Chief of Kwangtung Army and concurrently ambassador to Manchukuo.

(a) The nationality of the witness is Japanese;

(b) He will be able to testify to relationship between Manchukuo and Kwangtung Army.

25. SAKURAI, Takutaro - Tsuno-machi, Koyu-gun, Miyazaki Prefecture. Advisor to the Chinese Army at the time of the Marco Polo Incident.

(a) The nationality of the witness is Japanese;

(b) This witness will testify to facts concerning the "Incident" and the results of the incident and the developments thereafter.

26. MUDAGUCHI, Renza - Now in Singapore Prison. Formerly Lt. General serving in North China at the time of the China Incident.

(a) The nationality of the witness is Japanese;

(b) He will testify as to the measures taken on the part of the Japanese Army at the commencement of the China Incident.

PURL: http://www.legal-tools.org/doc/aa7e3f/

20. YUZAWA, Michio - 228 Yoyogi-Sanya, Shibuyaku, Tokyo. Home Minister in Tojo Cabinet.

(a) The nationality of the witness is Japanese;

(b) He will be able to testify as to the principles of the Tojo Cabinet as concerns the question of public relations.

21. KOMAI, Tokuzo - Horinouchi Namamura, Sakagun, Gunma Prefecture. Former president of General Affairs Bureau of Manchukuo.

(a) The nationality of the witness is Japanese;

(b) This witness will be able to tesify regarding the political position of Manchukuo as an independent state.

22. KANAI, Shozi - City of Ueda, Nagano Prefecture. Formerly an official of Manchukuo and Menshen Administrative Council.

(a) The nationality of the witness is Japanese;

(b) He will be able to testify to economic aspects of Manchurian Incident and related aspects.

23. KATAKURA, Chu - No. 2653 Kami-Meguro 5 Chome, Meguroku, Tokyo. Former Major General with long service in Kwangtung Army.

(a) The nationality of the witness is Japanese;

(b) This witness is able to testify concerning the origin and development of the "Manchurian Incident".

24. UEDA, Kenkichi - Oiso Kanagawa Prefecture. Former Commander-in-Chief of Kwangtung Army and concurrently ambassador to Manchukuo.

(a) The nationality of the witness is Japanese;

(b) He will be able to testify to relationship between Manchukuo and Kwangtung Army.

25. SAKURAI, Takutaro - Tsuno-machi, Koyu-gun, Miyazaki Prefecture. Advisor to the Chinese Army at the time of the Marco Polo Incident.

(a) The nationality of the witness is Japanese;

(b) This witness will testify to facts concerning the "Incident" and the results of the incident and the developments thereafter.

26. MUDAGUCHI, Renza - Now in Singapore Prison. Formerly Lt. General serving in North China at the time of the China Incident.

(a) The nationality of the witness is Japanese;

(b) He will testify as to the measures taken on the part of the Japanese Army at the commencement of the China Incident.

PURL: http://www.legal-tools.org/doc/aa7e3f/

27. WACHI, Tsungo - Now in Sugamo Prison. Former Colonel serving in wireless communication station in Owada.

(a) The nationality of the witness is Japanese;

(b) This witness will be able to testify concerning a telegram from American Military Attache in Pekin to the American Staff of Operations with reference to the Marco Polo Incident.

28. MATSUMURO, Koryo - 4-389, Eifukucho, Suginami-Ku Tokyo. Former Major General serving in China as Special Mission Organization.

(a) The nationality of the witness is Japanese;

(b) This witness will be able to testify to important details concerning the conflict between China and Japan and also concerning the economic aspects of the occupation.

29. KAGESA, Teisho - Dai-Ichi Hospital in Tokyo. Former Lt. General serving as liaison office by the Japanese Army and Wang-Ching-Wei Government.

(a) The nationality of the witness is Japanese;

(b) He will testify as to the matter of Wang Government with special reference to specific measures taken thereby.

30. KUMATARO, Honda - 1102 Kamimegro 7 chome, Meguro-Ku, Tokyo. Ambassador to Wang-Ching-Wei Government.

(a) The nationality of the witness is Japanese;

(b) He will be able to testify as to the relations between the Japanese Government and Wang Government.

31. ARITA, Hachiro - 426 Shimo-ochiai 1 chome, Yodobashi-Ku, Tokyo. Former Foreign Minister.

(a) The nationality of the witness is Japanese;

(b) He will testify as to the policies of the Japanese Government specifically and in detail.

32. ISHIWATA, Sotaro - Seijo-machi, Setagaya-ku, Tokyo. Financial Advisor to Wang Government and former Finance Minister in HIRANUMA, TOJO, and KOISO Cabinet.

(a) The nationality of the witness is Japanese;

(b) He will testify concerning economic measures of the Wang Government and also relative to the Japanese economic policy toward China.

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33. KUSUMOTO, Masataka - 151 Asahimachi 2 Chome Shimotsuma Cho Ibaraki Prefecture. Former Major General serving in Special Service Organization in China.

(a) The nationality of the witness is Japanese;

(b) He will testify to facts concerning the Narcotic traffic in China.

34. KURUSU, Saburo - Karui-Zawa, Nagano Prefecture. Special ambassador to the United States in 1941.

(a) The nationality of the witness is Japanese;

(b) This witness will be able to testify as to the Japanese-American negotiations in 1941.

35. SAITO, Yoshie - 42 Shoto-cho Shibuya-Ku, Tokyo. Advisor to Foreign Ministry during negotiations between Japan and America.

(a) The nationality of the witness is Japanese;

(b) He is able to testify concerning the intentions and purposes concerning negotiations between Japan and the United States in 1941.

36. IWAKURO, Takao - 789 Denonchofu 2 Chome Ohmori-ku, Tokyo. Participated in drafting proposed agreement between America and Japan.

(a) The nationality of the witness is Japanese;

(b) He will testify regarding specific drafts and other matters pertaining to the negotiations between Japan and the United States.

37. YAMAMOTO, Kumaichi- 9 Shimouma 3 Chome, Setagaya-Ku Tokyo. President of East Asia Section of Foreign Ministry and later Vice Minister for Greater East Asia Ministry in 1941.

(a) The nationality of the witness is Japanese;

(b) This witness will testify regarding Japanese political situation in connection with negotiations between America and Japan.

38. TANAKA, Shinichi - Address to be supplied. Former Lt. General serving on army general staff prior to and during Pacific War.

(a) The nationality of the witness is Japanese;

(b) The witness is able to testify regarding plans concerning Soviet Union and the objective of such plan.

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39. ISHIHARA, Kwanji - Now in Tei-Shin Hospital, city of Tsuruguoka Prefecture. Former Lt. General serving in the Kwangtung Army.

(a) The nationality of the witness is Japanese;

(b) He will testify regarding various plans of operations concerning Russia and also relative to Five Year Plan in Manchuria and Japan.

40. YANO, Mitsuzi - Mishima-machi Umagun Ehime Prefecture. Former Colonel serving on Army General Staff in charge of military geography.

(a) The nationality of the witness is Japanese;

(b) This witness is qualified to give evidence regarding the borderline between Mongolian Peoples Republic and Manchukuo.

41. JOSE, Laurel - Manila, Philippines. Former president of the Republic of the Philippines.

(a) Philipino is the nationality of the witness.

(b) This witness will be able to testify as to certain measures taken by Japan during the war particularly with regard to economic and political policies.

42. MURATA, Shozo - Now in Sugamo Prison. Former Ambassador to the Philippine Islands.

(a) The nationality of the witness is Japanese;

(b) He will testify concerning the political and economic measures taken by the Japanese Government towards the Philippines.

43. TSUBOKAMI, Sadanobu - 14 Yoyogi Ohyama-cho, Shibuya-Ku, Tokyo, Japan. Former Ambassador to Thailand.

(a) The nationality of the witness is Japanese;

(b) He will testify concerning relations between Thailand and Japan specifically as to the agreement of transit of Japanese Forces on 7 December 1941.

44. HARADA, Kumakichi - Now prisoner in Singapore. Former Lt. General and Commander-in-Chief in Java.

(a) The nationality of the witness is Japanese;

(b) He will be able to testify to political and economic measures of Japan and concerning Dutch East Indies.

45. SUZUKI, Kunji - In Sugamo Prison. Former Colonel in charge of Prisoner of War Camps in Tokyo.

PURL: http://www.legal-tools.org/doc/aa7e3f/

(a) The nationality of the witness is Japanese;

(b) This witness will testify as to the policy of the War Ministry regarding treatment of prisoner of war.

46. OHYAMA, Fumio - Nagatamachi 2 Chome Kojimachi-Ku Tokyo. Chief of Legal Section of War Ministry (Now First Demobilization Bureau)

(a) The nationality of the witness is Japanese;

(b) He will be able to testify to Japanese legislation concerning treatment of prisoners of war and to the rules of the military court established for the trials of prisoners of war.

DOCUMENTS

46 a. An order for the production of "Sick Bed Diary" of Tanaka, Ryukichi in the national Khonodai Hospital.

46 b. An order for the production of the record of official career of Isamu, Cho from the Cabinet record office.

46 c. An order for the production of all evidence and documents attached to the Roberts Commission Report on Pearl Harbor dated 23 January 1942.

It is respectively represented that the date upon which the attendance of the above witness will be required to testify cannot be accurately stated.

Submitted this 18th day of November 1946.

TOJO, HIDEKI

By his Counsel

ICHIRO KIYOSE

GEORGE F. BLEWETT

PURL: http://www.legal-tools.org/doc/aa7e3f/

Paper 572

INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST

- 1 -

THE UNITED STATES OF AMERICA, et al

vs

ARAKI, Sadao; et al

- Defendants -

REQUEST FOR PRODUCTION OF WITNESS

1. NOW COMES SHIGEMITSU, Mamoru and requests the Tribunal, in accordance with Section III, Article 9 (e) of the Charter, to order the production of the following witnesses necessary for his defense:

A. TANAKA, Ryukichi;

(a) The nationality of the witness is Japanese:

(b) The witness is now in Tokyo City, Ushigome-ku, War Ministry Building, I.P.S., Investigation Division;

B. UCAKI, Kazunari;

(a) The nationality of the witness is Japanese;

(b) The witness is now in Atami City, Izusan;

C. HIROSE, Setzuo;

(a) The nationality of the witness is Japanese;

(b) The witness is now in Tokyo Central Liaison Office;

D. SUZUKI, Tadakatsu;

(a) The nationality of the witness is Japanese;

(b) The witness is now in Yokohama, Liaison Office Bureau;

2. The defendant SHIGEMITSU further requests the Tribunal, in accordance with Section III, Article 9 (e) of the Charter, to order the production of the following documents necessary for

PURL: http://www.legal-tools.org/doc/c95b6c/

his defense:

DOCUMENT	LOCATION
Diary of M. M. LITVINOV, former Commissar of Foreign Affairs of the Soviet Union (from July 1, 1938 to August 31, 1938) excerpts were introduced as Exhibit No. 754	International Prosecution Section, War Ministry Bldg., Tokyo, Japan.

3. The facts to be proved by these witnesses and documents will show the policies, utterances, actions and intent of the accused SHIGEMITSU, during the time in which he is charged by the Indictment and the facts regarding events with which he is charged;

4. The relevance of the testimony of these witnesses, all of whom were associated with the accused SHIGEMITSU in various capacities during the time charged in the Indictment, or who have personal knowledge of such events is, in its tendency, to establish that the accused SHIGEMITSU took no part in any of the conspiracies charged to him; and was not in any way connected with the planning, initiating or waging of wars of aggression; and was, furthermore, in no way connected with the commission of any crimes against peace and is not guilty under the Indictment or any of its counts;

5. The date upon which attendance of the witnesses will be required for testifying cannot at this time be stated accurately but their attendance for consultation with defense counsel is required forthwith;

6. The date of production of the above documents will be after the commencement of the defense of the accused SHIGEMITSU. Consequently, in view of the time needed in processing and translating, a court order of an early date is prayed for.

PURL: http://www.legal-tools.org/doc/c95b6c/

7. This request does not include witnesses who we are advised will testify without a subpoena, nor witnesses who are not in Japan, for whom request will not be made until some proof of their testimony has been obtained. It does not include documents the production of which do not, we are advised, require action by the Court.

SHIGENITSU, Mamoru

By

/s/ George A. Furness
FURNESS, George A.

/s/ Hisao Yanai
YANAI, Hisao

PURL: http://www.legal-tools.org/doc/c95b6c/

558

INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST

- 1 -

THE UNITED STATES OF AMERICA, et al

- vs -

ARAKI, Sadao, et al

- Defendants -

REQUEST FOR PRODUCTION OF WITNESSES AND DOCUMENTS

1. NOW COMES OSHIMA, HIROSHI, and respectfully requests the Tribunal, in accordance with Section 3, Article 9, Paragraph 3 of the Charter and pursuant to the order of the Tribunal, dated at Tokyo, Japan on the 24th day of October 1946, paper bearing No. 492 to order the production of the following witnesses and documents necessary for his defense;

1. ARITA, Hachiro - Tokyo, Shibuya-Ku, Yoyogi Nishihara, Foreign Minister from 1936 to 1937, Political Adviser to the Foreign Office 1938, Foreign Minister 1939 and 1940.

   (a) The nationality of the witness is Japanese;

   (b) The purpose of the testimony of the witness is to explain the Japanese interpretation of the Anti-Comintern Pact and Secret Agreement; the negotiations concerning the Three Party Alliance, which were terminated by the Russian-German Pact, the difference between this abortive pact and the final agreement. To show the extent to which OSHIMA participated in the negotiations and conclusions of the various pacts.

2. MUSHAKOJI, Kintomo, - Tokyo, Shibuya-Ku, Harajuku 3 Chome The witness was Ambassador to Turkey 1933 to 1934. Was Ambassador to Germany 1934 to 1937 and concluded the Anti-Comintern Pact, and can testify as to the extent of the participation of the defendant OSHIMA in the execution of this Anti-Comintern Agreement as well as the effect of the Pact and the resultant relations between Germany and Japan and other major nations of the world.

3. WAKAMATSU, Tadaichi - Tokyo, Kitatama-Gun, Musashino-Machi, Kichijoji.

   (a) The nationality of the witness is Japanese;

   (b) Witness was Vice-Minister of War in 1945, was Chief of German Sub-Section, GHQ, in 1935 and 1936 at the time when the defendant OSHIMA was Military Attache in Germany.

   (c) The testimony of the witness will bear on the negotiations concerning the beginning of the Anti-Comintern Pact, the circumstances of the appointment of OSHIMA as Military Attache in Germany and the instructions given to OSHIMA by GHQ.

PURL: http://www.legal-tools.org/doc/a1ef98/

4. NISHIO, Toshizo - Sugamo Prison

(a) The nationality of the witness is Japanese.

(b) The witness was Vice Chief of Staff 1936.

(c) The witness will testify as to the aims of the Japanese Army in concluding the Anti-Comintern Pact and the attitude of the Japanese military at the time. This witness is in Sugamo Prison and his testimony will be corroborated by UMEZU, a defendant

5. KASAHARA, Yukio - Kanagawa Prefecture, Ashigara-Shino-Gun, Shimo-Nakamura

(a) The nationality of the witness is Japanese.

(b) The witness was chief of the Russian Section of GHQ 1936 - 1937 and was sent to Berlin as an assistant to OSHIMA when he was Military Attache in Berlin in 1938.

(c) The witness will testify as to the extent of OSHIMA's participation in counter-intelligence activities against the Russians, emphasized in Himmler's Diary. The witness was a courier between OSHIMA and the GHQ at the beginning of negotiations on the Tri-Partite Pact, which was nullified by the German-Russian Non-Aggression Pact, and will testify as to the part played by OSHIMA in the initial stage of this negotiation. (Was a Prisoner of War in China but is now repatriated and lives in Japan.)

6. KAWABE, Torashiro - Nagoya, Higashi-Ku, Higashi-Seto-bori-Cho, c/o Takano

(a) The nationality of the witness is Japanese.

(b) Was Military Attache to Germany from 1938 to 1940 succeeding OSHIMA when he became Ambassador. The witness will testify for the period following the testimony of KASAHARA, and will also describe the duties and responsibilities of Military Attaches under the Japanese Military System.

7. YOSHIKAWA, Kazutaro - Tokyo, Setagaya-Ku, Kitazawa

(a) The nationality of the witness is Japanese.

(b) The witness was Section Chief of GHQ Intelligence in 1936-1937 and had direct supervision over the White Russian Counter-Intelligence System in Germany and will testify as to the manner in which the campaign was carried on.

8. NAKAJIMA, Tetsuzo - now in Sumatra, N.E.I.

(a) The nationality of the witness is Japanese.

(b) Vice Chief of Staff, December 1937 to September 1939.

(c) The witness will testify as to the circumstances of OSHIMA's appointment as Ambassador to Germany which took place in October 1938. Since there is considerable controversy concering the reasons and background for OSHIMA's appointment, it is deemed essential to have a special witness for this purpose

PURL: http://www.legal-tools.org/doc/a1ef98/

9. USAMI, Uzuhiko - Tokyo, Nakano-Ku, Honcho-Dori

(a) The nationality of the witness is Japanese.

(b) Consul-General in Geneva 1937 - 1938. Counsellor of the Japanese Embassy in Berlin 1938 - 1940.

(c) The witness will testify as to OSHIMA's part in the negotiations of the Tri-Partite Pact which failed and the extent to which the Pact reflected the policy of the Japanese Government and the circumstances surrounding OSHIMA's resignation as Ambassador.

10. TAKEUCHI, Ryuji - Hokkaido, Sapporo

(a) The nationality of the witness is Japanese.

(b) Secretary of the Japanese Embassy in Berlin 1938-1939. Will testify as to OSHIMA's relations with Himmler and the circumstances surrounding OSHIMA's resignation.

11. SAITO, Ryoei - Tokyo, Shibuya-Ku, Shoto

(a) Was Political Advisor to the Foreign Office from August 1940 to July 1941. Will testify as to the circumstances and conclusion of the final draft of the Three-Power Pact and will show no participation on the part of OSHIMA in the conclusion of this Pact and will explain the essential differences between the first (which failed) and final Pacts.

12. OHASHI, Chuichi - Gifu Prefecture, Hajima-Gun, Koguma-Mura

(a) The nationality of the witness is Japanese.

(b) Vice Foreign Minister under Matsuoka. The witness will testify as to the extent to which Matsuoka accepted advice from ambassadors and foreign representatives. Will testify as to the circumstances of OSHIMA's re-appointment as Ambassador in 1940 and as to Stahmer's coming to Japan and the reasons for Matsuoka visits to Germany, Italy and Russia.

13. MATSUMOTO, Shunichi - Tokyo, Meguro-Ku, Sanya, 80

(a) The nationality of the witness is Japanese.

(b) Director of the Treaty Department of the Foreign Office 1940 to 1942. Foreign Minister from 1942 to 1944. Will testify concerning the final Tri-Partite Pact and the extension of the Anti-Comintern Pact. The abrogation of the secret agreement, the negotiations of the No Separate Peace Pact and the extent to which OSHIMA Participated in the policy underlined.

14. NOMURA, Naokuni - Tokyo, Setagaya-Ku, Kitazawa

(a) The nationality of the witness is Japanese.

(b) Japanese Member of Military Commission in Berlin 1940 - 1943. Navy Minister in 1945 in Koiso Cabinet.

PURL: http://www.legal-tools.org/doc/a1ef98/

(c) The witness will testify that OSHIMA had no part in the negotiations of the military agreements between Germany and Japan in 1942 and that the Military Commission was inactive and that there was no actual collaboration between Germany and Japan militarily. The witness will further testify as to the transfer of the U-Boats, the effect of the Hitler decree concerning ship-wrecked crews and kindred matters.

15. YOKOI, Tadao - Wakayama Prefecture, Tanabe-shi, Honcho

(a) The nationality of the witness is Japanese.

(b) Naval Attache 1941 - 1943 in Berlin. The witness will corroborate the testimony of Nomura and particularly emphasize the U-Boat transfer.

16. KOMATSU, Mitsuhiko - Kochi Prefecture, Kami-gun, Yamada-mura

(a) The nationality of the witness is Japanese.

(b) Military Attache in Berlin 1941 to 1945. The witness will testify concerning lack of collaboration between Japanese and German armed forces and the relations between the two armies. The witness will further testify as to the extent of information held at Berlin concerning the plans for the attack on Pearl Harbor.

17. KAWAHARA, Shunichiro - Kanagawa Prefecture, Kamakura, Nikaido

(a) The nationality of the witness is Japanese.

(b) Secretary of the Japanese Embassy in Rome 1930-1940. Counsellor of the Japanese Embassy in Berlin 1940 - 1945. In Charge of the over-all political matters and information. Second position to defendant OSHIMA.

(c) The witness will testify as to the activities of the economic committee in Berlin and will testify against NOHARA's affidavit, who testified, by affidavit, in the Russian phase of the case, and pertinent matters.

18. SAIGO, Jugo - now in Shanghai

(a) The nationality of the witness is Japanese.

(b) Chief of the German Sub-Section of GHQ 1938 - 1939. Assistant Military Attache in Berlin 1941-1943, especially attached to OSHIMA from the Military Attache's Office. Is now in Shanghai, a Prisoner of War. Will testify as to the manner of contact between the ambassador and the military in Germany from the outbreak of war until 1943 and as to matters generally conducted in the embassy in that period.

19. UGAKI, Kazushige - Shizuoka Prefecture, Izu-Nagaoka

(a) The nationality of the witness is Japanese.

(b) Witness was Foreign Minister in 1938, and will testify as to the circumstances of OSHIMA's appointment as Ambassador to Germany in 1938.

PURL: http://www.legal-tools.org/doc/a1ef98/

20. HIGUCHI, Kiichiro - Tokyo, Setagaya-Ku, Tamagawa, Denyen-chofu

(a) The nationality of the witness is Japanese.

(b) Witness was Chief of the Second Division of GHQ 1938 - 1940.

(c) Witness will testify as to the attitude of GHQ concerning the negotiations for the Tri-Partite Pact which failed in 1939.

21. ARISUE, Seizo - Tokyo, Setagaya-Ku, Matsubara-cho

(a) The nationality of the witness is Japanese.

(b) Witness was Military Attache in Italy 1936 - 1939. Chief of the Second Division of GHQ 1942 - 1945, directly supervising all the Military Attaches of Japan.

(c) Witness will testify as to the duties and functions of the Military Attache in general.

22. KAWAKAMI, Yasuo - Tokyo, Suginami-Ku, Ogikubo

(a) The nationality of the witness is Japanese.

(b) Witness was Chief of the Counter-Intelligence Section of GHQ 1937 - 1939 and 1940.

(c) Witness will testify as to the White-Russian Counter-Intelligence System in Germany for the period when OSHIMA was Military Attache in Germany.

23. HARA, Shiro - First Demobilization Bureau, Tokyo

(a) The nationality of the witness is Japanese.

(b) Witness was a member of 20. Section of GHQ (War Policy) 1940 - 1942.

(c) Witness will testify as to the extent OSHIMA's report influenced Japan's decision to go to war in 1941.

24. TANI, Masayuki - now in Sugamo Prison

(a) The nationality of the witness is Japanese.

(b) Witness was Vice-Foreign Minister 1939 - 1940.

(c) Witness will testify as to the activities of OSHIMA during his retirement in 1939 - 1940.

25. KOTANI, Etsuo - Yamaguchi Prefecture, Saba-gun, Migita-Mura

(a) The nationality of the witness is Japanese.

(b) Witness was Chief of 20. Section of GHQ (War Policy) 1942; Assistant Military Attache in Germany 1943 - 1945.

(c) Witness will testify as to the weight OSHIMA's report had on Japan's decision to go to war in 1941, and on the Japanese war policy thereafter.

PURL: http://www.legal-tools.org/doc/a1ef98/

26. MANAKI, Yoshinobu - Now Prisoner of War in French Indo-China

(a) The nationality of the witness is Japanese.

(b) Witness was Chief of the German-Sub-Section of GHQ 1936 - 1938; Assistant Military Attache in Germany 1938 - 1939.

(c) Witness will testify as to the activities of OSHIMA, then Military Attache in Germany, specifically in connection with the counter-intelligence system against Soviet Russia.

DOCUMENTS

26 a. State Department files on the internment of OSHIMA at Bedford Springs, Pennsylvania from July 1945 to November 1945. This shows that OSHIMA was granted all of the privileges and immunities of a foreign wartime diplomat and will establish official U. S. recognition of his status.

26 b. This defendant asks that all prosecution documents seized in Germany and now in files of prosecution which have not been used in Prosecution's case be made available to him for inspection and use as exhibits.

FOREIGN WITNESSES

27. GENERAL OTT, Eugen - Now in Peking, China

(a) The nationality of the witness is German.

(b) Ambassador to Japan 1938 - 1943.

(c) The witness will testify and explain the basis and source of his information of telegrams dispatched to Berlin during the time of his stay in Tokyo as Ambassador and the background of Japanese objection to cooperation with Germany concerning Russia and Singapore.

28. STAHMER, Henrich Georg - Presently in Sugamo Prison

(a) The nationality of the witness is German.

(b) Ambassador to Japan 1943 - 1945, Liaison between von Ribbentrop and Oshima 1938 to 1941. Witness will testify to the conclusion of the Tri-Partite Pact, his special mission in Japan, the Pearl Harbor surprise, the circumstances of the conferences reported by Paul Schmidt.

29. SCHMIDT, Paul - Nurnburg, Germany

(a) The nationality of the witness is German.

(b) Foreign Office interpreter for Hitler, von Ribbentrop and all major conferences during crucial period between 1935 and 1945. This witness can testify as to the extent to which his conferences were reported and shaded by German interests for propaganda purposes. This witness was described as one witness with "great knowledge" at the Nurnburg Trial and knows the background and the development of German-Japanese relations from actual contact.

PURL: http://www.legal-tools.org/doc/a1ef98/

30. GOTTFRIEDSEN,

(a) The nationality of the witness is German.

(b) Liaison between von Ribbentrop and Oshima 1941-1945. Witness can testify as to the attitude of OSHIMA concerning Japanese paricipation in the Russian war.

31. FISCHER, - Now believed in Shanghai

(a) The nationality of the witness is German.

(b) German Consul in Shanghai 1935 to 1945. Can testify as to the lack of harmony between Germany and Japan in their economic relations in China.

32. GENERAL MARSHALL, George C.

(a) The nationality of the witness is American.

(b) Former Chief of Staff, U.S. Army, now located in Nanking, China. Will testify from first hand information as the best authority on the subject:

1. German-Japanese collaboration - military.
2. Preparation of the U.S. for Pacific War.
3. Japanese-American war no surprise.

2. That all of the testimony of these witnesses and the documents will bear directly on the issues involved in the counts charged against the defendant OSHIMA.

3. The date upon which the witnesses are required to attend is indefinite but it is requested that the witnesses be alerted and made available for consultation.

4. It is requested that General Eugen Ott be made available for cross-examination and that his testimony be considered part of the Prosecution's testimony.

If General Eugen Ott is not ordered here by subpoena then a special commission should be created for this purpose, at Peking, China.

5. If Paul Schmidt or Gottfriedsen are not available, then arrangements should be made for their interview by commission created for that purpose, at Nurnburg, Germany.

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6. That the defendant reserves the right to interview the witnesses generally and not only on what he has indicated in this request. The right is reserved to call witnesses who have volunteered but who later may require subpoena and the defendant reserves the right to file additional lists based upon testimony yet to be introduced in this case.

7. Defendant OSHIMA reserves the right to call as witnesses certain other defendants, to wit: TOJO, TOGO, SHIMADA, HIRANUMA, NAGANO, ITAGAKI, MUTO, HIROTA, SHIRATORI, UMEZU, SHIGEMITSU, as well as taking the stand himself in his own defense. Defendant reserves the right to withdraw from this list of witnesses and documents witnesses who will not be required if other testimony is supplied.

OSHIMA, HIROSHI

/s/ TATSUKI SHIMANOUCHI

/s/ OWEN CUNNINGHAM

PURL: http://www.legal-tools.org/doc/a1ef98/

Paper No. 577

INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST

- 1 -

THE UNITED STATES OF AMERICA; et al

- vs -

ARAKI, Sadao; et al

- Defendants -

REQUEST FOR THE PRODUCTION OF A WITNESS

NOW COMES UMEZU, Yoshijiro and requests leave of the Tribunal for addition to the request for production of witnesses and documents filed herein on the 18th of November 1946 of the following witness:

1. YAMAZAKI, Genkan, a Japanese witness;

   (a) His present address is unknown, but he was president of the South Manchuria Railway Company in August 1945, his address then being 5 Chome Ayame-Cho, Hsinking, Manchuria, and he is believed to be a prisoner of war of the Russian forces in Manchuria;

   (b) The witness will give testimony concerning the operations of the South Manchuria Railway, the construction and extention of the railway system of Manchuria, and the relations between the Japanese and the government of Manchoukuo;

The name of this witness was omitted by inadvertence of counsel from the above-mentioned application of the 18th of November.

UMEZU, Yoshijiro

By

(signed) Miyata Mitsuo
MIYATA, Mitsuo

(signed) Ben Bruce Blakeney
Ben Bruce Blakeney

His Counsel

25 November 1946

PURL: http://www.legal-tools.org/doc/46c2f0/

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

Sitting at Tokyo, Japan

Case No. I

UNITED STATES OF AMERICA, et al

Prosecutors

Paper No. 720

- v -

ARAKI, Sadao, et al

Defendants

APPLICATION ON BEHALF OF ITAGAKI, Seishiro, FOR AN ORDER FOR PRODUCTION OF WITNESSES

Comes now the accused ITAGAKI, Seishiro, and makes known to this Tribunal that he is desirous of obtaining from this Tribunal an order and process for its production of the following named persons as witnesses in his behalf at this trial.

This application was not made earlier as required by this Tribunal for the following reasons:

In the case of the first three witnesses, their addresses, even probable, were not known until now.

In the case of the second set of two witnesses, the matter concerning which these witnesses may testify did not arise until after the said accused had submitted his application for process.

Han Yun-chieh - Nationality is Chinese.
Present address believed to be at ChungKing, China.

He was born in Manchuria and was carrying on business in several parts of Manchuria such as at Harbin until the outbreak of the Mukden Incident. After the incident he served the Manchukuo Government as the mayor of Sinking Special City. The Finance Minister of the new state and represented Manchukuo Government in Europe.

The facts concerning which this witness can give testimony are: - That as a native and resident of Manchuria during the period before and after the Mukden Incident he will be able to testify as to the unsettled and unsafe conditions of

PURL: http://www.legal-tools.org/doc/e89606/

civil life in Manchuria; that popular feeling was against Chang regime; that the independent state in Manchuria was but a creation of the Kwantung Army or any other Japanese organization, but that Manchukuo was demanded and created by the Manchurians themselves with the help and advice of the Kwantung Army and some Japanese civilians whose ideals were for the creation of concordia of races in Manchuria.

The relevancy of this testimony lies in that it will dispute the charge of Manchukuo being a puppet state of Japan and the claim that it was created as a result of a common plan of Itagaki and other defendants.

Kan Tzn Siang - Nationality is Chinese
Present address - believed to be living in Peking, China.

Kan Tzn Siang was a native of Manchuria and was the head of a prefecture in Mukden Province before the Mukden Incident in 1931. He later served the Manchukuo Government as the Chief of the road construction section of civil engineering department of Civil Administration Office in 1935 and in 1937 he became the Chief of the Educational Department of Autung Province, in 1938 as the Vice-Chief of the General Affairs Department of the Manchukuo Government and then became the Minister of Civil Administration of the same government.

The facts concerning which this witness can give testimony are: - That as a native and resident of Manchuria during the period before and after the Mukden Incident he will be able to testify regarding the unsettled and unsafe conditions of civil life in Manchuria, that the popular feeling was against Chang's regime; that the independent state of Manchukuo was not a creation of the Kwantung Army or any other Japanese organization, but that Manchukuo was demanded and created by the Manchurians themselves with the help and advice of the Kwantung Army and some Japanese civilians whose ideals were for the creation of concordia of nations in Manchuria.

The relevancy of this testimony lies in that it will dispute the charge of Manchukuo being a puppet state of Japan and the claims of the prosecution that she was created as a result of a common plan of Itagaki and other defendants.

Chang Kai Yung - Nationality is Chinese.
Present address - believed to be in Changchun, Manchuria.

He is a native of Fukien, China. He served the Manchukuo Government as a secretary to the commercial representative of Manchukuo in Europe for three years. After returning to Manchukuo he served as a Councilor of the Publication Department of the Government until the end of the war.

PURL: http://www.legal-tools.org/doc/e89606/

The facts concerning which this witness can give testimony are: - That as a native and resident of Manchuria during the period before and after the Mukden Incident he will be able to testify regarding the unsettled and unsafe conditions of civil life in Manchuria, that the popular feeling was against Chang's regime; that the independent state of Manchukuo was not a creation of the Kwantung Army or any other Japanese organization but that Manchukuo was demanded and created by the Manchurians themselves with the help and advice of the Kwantung Army and some Japanese civilians whose ideals were for the creation of concordia of nations in Manchuria.

The relevancy of this testimony lies in that it will dispute the charge of Manchukuo being a puppet state of Japan and the claim of the prosecution that she was created as a result of a common plan of Itagaki and other defendants.

Noguchi Yuzurn - Nationality is Japanese
Government position - Colonel
Present address - Sugamo Prison
Tokyo

He was appointed the commander of the Prisoner of War Camp in Korea in 1942 and served as such up to the end of the war.

The facts concerning which this witness can give testimony are: - That he was the commander of the Prisoner of War Camp in Korea during almost the entire period of the Pacific War, and that he is able to describe the conditions of Prisoner of War Camp in Korea.

The relevancy of this testimony lies in that the defendant Itagaki was the Commander in Chief of the Korean Army from March 1941 to April 1945, and that he is charged for "some responsibility" for the mistreatment of Prisoners of War.

Uchida Goro - Nationality is Japanese
Government position - Military doctor
Present Address - Sugamo Prison
Tokyo

He was assigned to be the doctor in charge of Prisoner of War Camp in Korea from the beginning of the establishment of such camp there until the end of war.

The facts concerning which this witness can give testimony are: - That he was the camp doctor during the entire period of the existence of Prisoner of War Camp in Korea and that he is able to testify the actual health condition of prisoners of war in Korea.

The relevancy of this testimony lies in that the defendant Itagaki was the commander in chief of the Korean Army from March 1941 to April 1945, and that he is charged for "some responsibility" for the mistreatment of prisoners of war.

PURL: http://www.legal-tools.org/doc/e89606/

ITAGAKI, Seishiro

By_____
YAMADA, Honzo

_____
SASAGAWA, Tomoji

_____
BANNO, Junkichi

_____
Floyd J. Mettice
His Counsel

PURL: http://www.legal-tools.org/doc/e89606/

PAPER NO. 48

ON REQUEST-PAPER NO. 29

PROCEEDINGS HELD IN THE CHAMBERS OF THE HONORABLE SIR WILLIAM WEBB, PRESIDENT OF THE INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST.

Allied Powers, v. OKAWA and others,
in Chambers before the President, Tokyo,
at 8:30 A.M., May 4, 1946.

Captain Coleman, Chief Defense Counsel, appointed by the Supreme Commander, with Mr. Shinichi OHHARA, Japanese Defense Counsel for Shumei OKAWA, request in writing that the accused, OKAWA, be medically examined with a view to ascertaining his mental condition and his capacity to plead to the indictment.

OHHARA, through his interpreter, Miss FUKUOKA, says he supports Captain Coleman's application.

I order that OKAWA be medically examined accordingly by two psychiatrists, one appointed by the prosecution, and the other by OHHARA, on behalf of OKAWA; that the examination by both doctors be made forthwith, and that immediately thereafter reports be made by each to the President.

Mr. Higgins, of the Prosecution Section, appears and concurs in this order.

Sir William Webb, President of
the International Military Tribunal
for the Far East.

PURL: http://www.legal-tools.org/doc/937f17/

PAPER NO. 43

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

THE UNITED STATES OF AMERICA, et al - vs - ARAKI, SADAO, et al	) ORDER, overruling and) dismissing motion of) Defendants challenging) right of Members of the) Tribunal to sit.

This matter coming on to be heard by the Tribunal in Open Court on the 6 May 1946, upon the oral motion in behalf of all the defendents, entered by their counsel, Dr. Ichiro Kiyose, challenging the individual Members of the Tribunal to sit on the case and especially presenting the challenge to Mr. Justice Webb, President of the Tribunal for cause, and

Mr. Justice Webb, President of the Tribunal, withdrawing and refusing to sit or participate in the proceedings of the Tribunal and re-constituting the Tribunal for the purpose of hearing and considering the motion, and the Tribunal being so re-constituted and being fully advised in the premises, it is the decision of a majority of the Justices of the Tribunal so re-constituted and with Mr. Justice Webb not present and Mr. Justice Northcroft presiding in his absence and delivering the decision of the Tribunal, and it is

ORDERED, that the motion be dismissed.

Dated at Tokyo, Japan, this 6 day of May 1946.

By the Tribunal:

(Signed) E. H. NORTHCROFT
ACTING PRESIDENT

PURL: http://www.legal-tools.org/doc/3eb87a/

OPINION:

The reason given for the foregoing order was that no objection to the person of any Member of the Tribunal can be sustained because Article 2 of the Charter prescribes that the Tribunal shall consist of Members appointed by the Supreme Commander, and it does not rest with the Tribunal to unseat anyone appointed by the Supreme Commander.

_____
ACTING PRESIDENT

MEMBERS PRESENT:
Mr. Justice Northcroft, - Acting as President
Lord Patrick
Mr. Justice Mei
Major General of Justice Zaryanov
Mr. Justice Higgins
Mr. Justice McDougall
Mr. Justice Bernard
Mr. Justice Roling

MEMBER NOT PRESENT OR PARTICIPATING:
Mr. Justice Webb, - President

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PURL: http://www.legal-tools.org/doc/e74420/

May 11, 1946

MOTION ON THE JURISDICTION OF THE INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

I, as Defense Counsel for some of the defendants of the present trial and representing the members of the Japanese Attorneys' Association, hereby submit a motion on the jurisdiction of the International Military Tribunal for the Far East.

Part I

As declared in the Special Proclamation, dated 19 January 1945, of Supreme Commander for the Allied Powers, the International Military Tribunal for the Far East is a special Tribunal established in accordance with a provision, declared as one of the terms of surrender of Japan in the Potsdam Declaration of 26 July 1945, which was accepted by the Japanese Government on 2 September of the same year when the Instrument of Surrender of Japan was executed at Tokyo Bay.

Therefore, it must be emphasized that the jurisdiction of this Tribunal should be confined within such a scope as may be justified by the pertinent interpretation of the term "war criminals" employed in the Potsdam Declaration mentioned above.

Inasmuch as the term "war crime" or "war criminal" is the long standing technical expression of International Law, it may safely be admitted to construe that the term in the Potsdam Declaration was employed and accepted in its recognized conception by both parties concerned.

According to the general conception recognized by International Law before July 1945, the term "war criminal" denotes such a person as may be punished by the precedent of International Law for the violation of rules and

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customs of warfare. For instance, violations of rules of warfare by members of armed forces, hostilities in arms of individuals who are not members of the armed forces, harmful acts of disguised persons, espionage, war treason and other offenses of like nature, have hitherto been regarded as war crimes. But participation in the planning, preparation, initiation or waging of war, whatever the nature of the war may be, had never been included in the recognized conception of war crimes before July 1945 - not to mention acts against humanity during or before war. The Articles 441 and 442 of the Manual of British Military Law amended in 1929 may suffice to maintain this standpoint. The Article 441 of the Manual, giving a definition to war crime, provides that the term "war crime" is the technical expression for such an act of enemy soldiers and enemy civilians as may be visited by punishment or capture of the defenders, while the Article 442, classifying war crimes, provides as follows:

"War crimes may be divided into four classes -

1. Violation of the recognized rules of warfare by members of the armed forces.
2. Illigitimate hostilities in arms committed by individuals who are not members of the armed forces.
3. Espionage and war treason.
4. Marauding"

and explanatory notes in a book published on 31 January 1936 by the British War Ministry regarding the term "war crime" reads as follows:-

"According to the customary usage of the term during the period of 1914-18, the term "war crime" meant violation of the recognized rules of warfare, rather than those enumerated in the text, but it must be remembered that the term has been matured and determined by the International Law."

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Most of the works on International Law written by world famed scholars; e.g. Vol. II P. 452 of International Law, written by Mr. Oppenheim published in England in 1935 and P. 44 of The Wartime International Law, written by Prof. Tate of Japan, published in September 1944, follow the same definition and classification of war crimes as those adopted in the Manual of British Military Law. Neither the planning, preparation or execution of war, nor acts against humanity performed during or before war, are included in the category of war crimes by these two writers.

Nor doesthe Pact of 1928 renouncing recourse to war for the solution of international conflicts expand the scope of war crimes. The Article I of the Pact, providing that "High contracting parties solemnly declare in the name of their respective peoples that they condemn recourse to war for the solution of international controversies", should not necessarily be construed to mean that the waging of war for the solution of international controversies has been taken for granted as war crime, but it should be construed to mean that the powers concerned simply condemned and renounced recourse to war as an instrument of national policy in their relations with one another". In fact, the Manual of British Military Law, as well as the two books cited above, still adopt such definition and classification of war crimes as shown above, in spite of the fact that the former was amended and the latter was published after 1928 when the Pact was signed. No other international treaties, modifying the recognized conception of war crimes could be traced, excepting that at some particular conferences of a certain limited number of nations, e.g. Pan-American Conference, an attempt was made for the modification of the recognized conception of war crime by classifying aggressive war as war crime. But it must be emphasized that any decision adopted at a conference of this nature has no authority of binding any country

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that was not represented at the conference. Needless to say, attempts that have been made after 26 July 1945 when the Potsdam Declaration was issued, e.g. the Charter of the Neurenberg Tribunal, have no concern with the interpretation of the Potsdam Declaration of 26 July 1945. In connection with the Charter cited above, it must be emphasized that any decision adopted by the victorious nations after 26 July 1945 for the prosecution of those responsible for a particular state that had surrendered unconditionally has no power of altering the terms of surrender determined before that date for other belligerents.

At the beginning of the Special Proclamation of Supreme Commander for the Allied Powers, that was issued simultaneously with the Charter of this Tribunal, is stated that "whereas the United States and the nations allied therewith in opposing the illegal war of aggression of the Axis nations, have from time to time made declarations of their intention that war criminals should be brought to justice". But it must be remembered that declarations directed to any state other than Japan should have no connection with the Charter of this Tribunal. In no declaration binding Japan is there any pertinent provision that could possibly help the clear cut interpretation of the terms of surrender of Japan; nor does any declaration provide or suggest the punishment of those who planned or prepared war or those who performed against humanity before or during war. Furthermore, His Excellency, President Truman stated in his message to the Congress of January 1946, that "For the first time in history the legal culpability of war makers is being determined." This clearly explains that the "war makers", namely, those who participated only in the formulation or execution of war are not included in the category of conventional war criminal.

In consideration of the above statement, now we may safely conclude that those who participated only in the planning, preparation, initiation or

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execution of war in a greenroom are not included in war criminals denoted in the Potsdam Declaration of 26 July 1945; namely, those who held the important official positions of the Japanese Government, as well as those high military officers and other civilian leaders of Japan should not be treated as war criminals simply because of their having participated in the formulation or execution of war in a greenroom. In other words, it may be admitted to construe that the term "war criminal" in the Potsdam Declaration of 26 July 1945 was used in its recognized sense and was accepted by Japan in that sense only.

Disregarding all the theories and precedents cited above, Chief of Counsel, together with his associated counsels, alleges, in his indictment delivered to defendants on 29 and 30 April 1946, that those enumerated below should be included in the category of war crimes, as well as conventional war crimes; namely:-

1. Participation as leaders, instigators or accomplices in the formulation or execution of a common war or conspiracy (Count 1 - 36 under "Crimes against Peace").
2. Violations of treaties, etc., e.g. Treaties and Final Protocol for the suppression of the abuse of opium and other drugs which are not regarded as conventional rules of warfare (Count 53 - 55 under "Crimes against Humanity" with the exception of those concerning conventional war crimes and Appendix E)
3. Acts inflicting injuries upon the lives of members of the armed forces or civilians at the outbreak of war or by attacks during war. (Counts 37 - 52 under "Murder").

I request that the foregoing acts indicted, being outside the jurisdiction of the International Military Tribunal for the Far East, be excluded

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from its trial.

In connection with this request, a few words must be added regarding Crimes against Peace and Crimes against Humanity which are provided in the Article V of the amended Charter of International Military Tribunal for the Far East, issued on 26 April 1946 in the name of Supreme Commander for the Allied Powers. As shown in the Special Proclamation cited at the beginning of Part I of this motion, the governments of the Allied Powers have conferred upon Supreme Commander for the Allied Powers "the authority to issue all orders for the implementation of the Terms of Surrender" of Japan. But it could hardly be believed that the governments of the Allied Powers could have conferred upon the Supreme Commander any authority that they have not possessed themselves for the implementation of the Terms of Surrender of Japan by virtue of the Potsdam Declaration of 26 July 1945 and the Instrument of Surrender of Japan executed on 2 September of the same year at Tokyo Bay. Supposing that the Supreme Commander had believed that he had the authority which the governments of the Allied Powers have never conferred upon him and made new Rules of Punishment by virtue of that authority, the rules set forth under such circumstances should be vetoed as null and void. If any one could make new rules or change them at will without any pertinent authority, the principle against ex post facto laws which is recognized by all civilized nations as the Supreme Law, would utterly be disregarded.

Part II

As pointed out in Part I of this motion, the jurisdiction of the International Military Tribunal for the Far East is based on the provision regarding the punishment of war criminals that had been declared, inter alia, in the Allied Declaration of 26 July 1945 and the Instrument of Surrender of

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Japan executed on the 2nd September. Inasmuch as the purpose of these documents was to terminate the state of war existing at that time between Japan and the Allied Powers and the objects dealt with in those documents are of such nature as is solely related to that particular war, the prosecution of war criminals suggested in these documents should be confined within a scope of war criminals in, or relating to, the war which these documents sought to terminate. But in the indictment cited above are enumerated some affairs and incidents that had occurred quite independently from the war between Japan and the Allied Powers and some acts performed in connection with such affairs or incidents are indicted as war crimes; namely:-

1. Activities of the Japanese Government in the Provinces of Hioo-ning, Kirin, Heilung-Kiang and Jehol (Count 4)
2. Armed conflicts between Japan and the Union of Soviet Socialistic Republics that had been settled some years before the outbreak of war between Japan and the Allied Powers (Count 25, 26, 35, 36, 51 and 52).

In connection with these incidents and affairs, it must be pointed out that two agreements were executed between Japan and the US.S.R. in August 1938 and in September 1939 for the settlement of the Lake Khasan Affairs and the Khochin Col River Affairs respectively (Vide Evidences Nos. 1 & 2, submitted by defendants).

These two agreements were followed by the Russo-Japanese Neutrality Pact of 1941. The preamble and the Article I of this Pact read as follows:

"With a view to stabilizing peaceful and friendly relations between the two countries, etc., etc.

"Article I. Both contracting parties agree to maintain peaceful and friendly relations between themselves and mutually respect the territorial

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integrity and inviolability of the other contracting parties".

Tied up with this friendly Pact, Japan and the U.S.S.R. had maintained very peaceful and friendly relations till August 1945 and really there existed no state of war between the two countries when the Potsdam Declaration was issued on the 26th July 1945.

Supposing that such war crimes as enumerated in Counts 25 and 26 had been committed in connection with the incidents mentioned therein, they are not the war crimes to be dealt with in accordance with the Potsdam Declaration of 26 July 1945 and the Instrument of Surrender of Japan executed on 2nd September of the same year, because these two affairs had occurred long before the outbreak of war between Japan and the Allied Powers and had no connection with it.

Therefore, I request that those counts enumerated above be excluded from the trial of the International Military Tribunal for the Far East.

Part III

As pointed out in Part I of this motion, the jurisdiction of the International Military Tribunal for the Far East is based on the provisions regarding the punishment of war criminals that had been declared, inter alia, in the Allied Declaration of 26th July 1945 and the Instrument of Surrender of Japan executed on 2nd September of the same year. Inasmuch as the purpose of these two documents was to terminate the state of war existed at that time between Japan and the Allied Powers, the prosecution of war criminals suggested in these documents should be confined within a scope of those who might have committed war crimes in connection with the war between Japan and the Allied Powers. In other words, war criminals to be prosecuted in connection with war or conflict between Japan and any non-allied nation have no

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concern with the Potsdam Declaration and the Instrument of Surrender mentioned above. As is well known, Japan and the Kingdom of Thailand had maintained a very friendly relation throughout the war between Japan and the Allied Powers. In fact, on the 31st December 1941, Japan was related more closely with the Kingdom of Thailand by concluding the treaty of alliance which was still effective on that very day when the Potsdam Declaration of 26th July 1945 was issued. Therefore it could hardly be presumed that the Potsdam Declaration should have expected the punishment of crimes as far as the relations between Japan and the Kingdom of Thailand were concerned. Supposing that there had existed war between Japan and the Kingdom of Thailand, the latter was not a member of the Allied Powers. Chief of Counsel, however, together with his associated Counsels, alleges in his indictment cited above that all defendants are responsible for the aggressive war or the war in violation of treaties which Japan is alleged to have waged upon the Kingdom of Thailand (Count 4, in part, Count 16, 24 and 34).

Part IV

The request stated in Part I of this motion concerns with the interpretation of two official documents; namely, the Potsdam Declaration of 26th July 1945 and the Instrument of Surrender of Japan executed on 2nd September of the same year. When any doubt is raised as to the interpretation of document, I believe it admissible in accordance with the Law of Evidence, to submit evidences in order to ascertain such doubtful points as may be suggested. I, therefore, request that witnesses mentioned in a list appended herewith be summoned, and submit Evidence No. 1-3 and Evidence No. 4 in support of my request related in Part II and Part , respectively.

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concern with the Potsdam Declaration and the Instrument of Surrender mentioned above. As is well known, Japan and the Kingdom of Thailand had maintained a very friendly relation throughout the war between Japan and the Allied Powers. In fact, on the 31st December 1941, Japan was related more closely with the Kingdom of Thailand by concluding the treaty of alliance which was still effective on that very day when the Potsdam Declaration of 26th July 1945 was issued. Therefore it could hardly be presumed that the Potsdam Declaration should have expected the punishment of crimes as far as the relations between Japan and the Kingdom of Thailand were concerned. Supposing that there had existed war between Japan and the Kingdom of Thailand, the latter was not a member of the Allied Powers. Chief of Counsel, however, together with his associated Counsels, alleges in his indictment cited above that all defendants are responsible for the aggressive war or the war in violation of treaties which Japan is alleged to have waged upon the Kingdom of Thailand (Count 4, in part, Count 16, 24 and 34).

Part IV

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INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

Office of the President

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ORDER APPOINTING REFEREES AND ARBITERS FOR THE TRIBUNAL

1. The following persons having heretofore been appointed and sworn as Interpreters for the International Military Tribunal for the Far East, are hereby appointed to act as Arbiters and Referees for the International Military Tribunal for the Far East:

MAJOR LARDNER W. MOORE, 0511444, General Headquarters, Supreme Commander for the Allied Powers

MR. JOSEPH K. SAKO, civilian, International Prosecution Section;

PROFESSOR MITSUAKI KAKEHI, Japanese national.

2. Referees and Arbiters appointed will resolve all controversies, disputes and differences of opinion which may arise in the translation of oral evidence adduced before the Tribunal, and all disputes, controversies and differences of opinion relating to the translation and interpretation of any and all documents by whomsoever submitted to said Tribunal; subject however to the control of this Tribunal.

/s/ W.F. Webb
SIR WILLIAM WEBB, President,
International Military Tribunal
for the Far East.

PURL: http://www.legal-tools.org/doc/c1d232/

PAPER NO. 64
DISPOSES OF PAPERS NOS. 31, 54, 55

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

THE UNITED STATES OF AMERICA, et al - AGAINST - ARAKI, SADAO, et al	ORDER, dismissing defendants Motions to the Jurisdiction, and to Dismiss.

This matter coming on to be heard by the Tribunal in open Court on the 13, 14 and 15 day of May 1946, upon the plea of all the defendants to the jurisdiction of the Tribunal; and the supplemental plea of the defendants HIRANUMA, MATSUOKA, SHIGEMITSU, TOGO, AND UMEZU, to the jurisdiction and motion to dismiss; and the plea of the defendants, ITAGAKI, KIMURA, MUTO and SATO, to the jurisdiction and to dismiss, and the

Tribunal being fully advised in the premises, it is the decision of a majority of the Justices of the Tribunal, and it is

ORDERED, that all three motions be, and are hereby dismissed.

Dated at Tokyo, Japan, this 17 day of May, 1946.

By the Tribunal.

(Signed) W. F. WEBB
PRESIDENT

PURL: http://www.legal-tools.org/doc/01f81b/

Members present on the date of entry of order:
Mr. Justice Webb, - President
Lord Patrick
Major General of Justice Zaryanov
Mr. Justice McDougall
Mr. Justice Bernard
Mr. Justice Roling
Mr. Justice Northcroft
Mr. Justice Pal, - sitting, but not participating.

Members not present:
Mr. Justice Mei
Mr. Justice Higgins

PURL: http://www.legal-tools.org/doc/01f81b/

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INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

No. 1

THE UNITED STATES OF AMERICA, et al	)	ORDER AMENDING
	)	THE RULES OF
- AGAINST -	)	PROCEDURE
	)	
ARAKI, SADAO, et al	)	

This matter coming before the Tribunal in the conference room to consider suggested alterations to Rules of Procedure of this Tribunal, heretofore adopted on the 25th day of April, 1946, as proposed by Ensign DAVID P. HORNSTEIN, Chief of the Language Division, and the Tribunal being fully advised in the premises, it is the decision of a majority of the Justices present and,

ORDERED that Rule 6b, of the Rules of Procedure of the International Military Tribunal for the Far East, be amended in that the same shall now read as follows:

"b. Except as otherwise provided by the Tribunal,

"(1) a copy of every document intended to be adduced in evidence by the prosecution or the defense will be delivered to the accused concerned or his counsel or to the prosecution, as the case may be, and also to the officer in charge of the Language Section of the Secretariat of the Tribunal, not less than twenty-four hours before such document is to be tendered in evidence. Every such copy shall have plainly marked thereon the part or parts upon which the prosecution or the defense, as the case may be, intends to rely, and every such copy shall be accompanied by a translation thereof

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into English or into Japanese, as the case may be, of the said part or parts. If the document is in a language other than English or Japanese, it shall be sufficient for the purpose of this provision if a translation into English or Japanese, as the case may be, of such document, or such part or parts, is delivered to the prosecution or the accused concerned or his counsel, and to such officer.

"(2) a copy of all prepared speeches and briefs which are presented in court will be delivered to the officer in charge of the Language Section of the Secretariat of the Tribunal, not less than twenty-four hours before such speech or brief is delivered on the floor of the Tribunal. Every such copy shall be accompanied by a translation thereof into English or into Japanese as the case may be."

Dated at TOKYO, JAPAN, this 20th day of May, 1946.

BY THE TRIBUNAL:

_____
PRESIDENT

PRESENT:

Justice Sir William Webb - President
Justice Lord William Donald Patrick
Justice I. M. Zaryanov
Justice E. Stuart McDougall
Justice Henri Bernard
Justice Bernard Victor A. Roling
Justice Erima Harvey Northcroft
Justice R. B. Pal

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INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

No. 1

THE UNITED STATES OF AMERICA, et al) ORDER DENYING APPLICATION FOR RECONSIDERATION OF REQUEST OF ACCUSED, KOKI HIROTA, FOR TEMPORARY PAROLE.

- AGAINST -

ARAKI, SADAO, et al

This matter coming before the Tribunal in the conference room to consider the Application for Reconsideration of Request for Temporary Parole for accused, KOKI HIROTA, to attend the funeral of his wife, and there appeared for the accused TODASHI HANAI and Capt. BEVERLY M. COLEMAN, Defense Counsel and WILLIS MAHONEY of the Prosecution Section, and the Tribunal by decision of a majority of the Justices present decided to reconsider the matter and after hearing statements of counsel, and being fully advised in the premises, it is the decision of a majority of the Justices present and,

ORDERED that the Application and the Request for Temporary Parole for accused, KOKI HIROTA, to attend the funeral of his wife, be and is hereby refused, for the reason that the wife of the accused has been buried and that the religious part of the services may be had at any future date, and may be had after the completion of the trial, in the event that the accused should be found not guilty.

Dated at TOKYO, JAPAN, this 21st day of May, 1946.

/s/ W. F. WEBB
PRESIDENT

PRESENT:

Justice Sir William F. Webb - President
Justice Lord William Donald Patrick
Justice I. M. Zaryanov
Justice E. Stuart McDougall
Justice Henri Bernard
Justice Bernard Victor A. Roling
Justice Erima Harvey Northcroft
Justice R. B. Pal

PURL: http://www.legal-tools.org/doc/e34672/

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

44

No. 1

THE UNITED STATES OF AMERICA, THE REPUBLIC OF CHINA, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, THE UNION OF SOVIET SOCIALIST REPUBLICS, THE COMMONWEALTH OF AUSTRALIA, CANADA, THE REPUBLIC OF FRANCE, THE KINGDOM OF THE NETHERLANDS, NEW ZEALAND, INDIA, AND THE COMMONWEALTH OF THE PHILIPPINES - AGAINST - ARAKI, Sadao; DOHIHARA, Kenji; HASHIMOTO, Kingoro; HATA, Shunroku; HIRANUMA, Kiichiro; HIROTA, Koki; HOSHINO, Naoki; ITAGAKI, Seishiro; KAYA, Okinori; KIDO, Koichi; KIMURA, Heitaro; KOISO, Kuniaki; MATSUI, Iwane; MATSUOKA, Yosuke; MINAMI, Jiro; MUTO, Akira; NAGANO, Osami; OKA, Takasumi; OKAWA, Shumei; OSHIMA, Hiroshi; SATO, Kenryo; SHIGEMITSU, Mamoru; SHIMADA, Shigetaro; SHIRATORI, Toshio; SUZUKI, Teiichi; TOGO, Shingenori; TOJO, Hideki, UMEZU, Yoshijiro Defendants	ORDER ON THE REQUEST FOR INQUIRY DUE TO THE PHYSICAL CONDITION OF THE ACCUSED SHUMEI OKAWA AND YOSUKE MATSUOKA.

This matter coming before Sir William F. Webb, President of the Tribunal in the Conference Room to consider the medical reports as to the condition of the accused, SHUMEI OKAWA, and the request in behalf of the accused, SHUMEI OKAWA, that the proceedings be stayed, and the medical reports on the inquiry into the physical condition of the defendant, YOSUKE MATSUOKA. The Prosecution Section being represented by Frank S. Tavenner, Jr., and the defendant, SHUMEI OKAWA by Shinichi Ohhara and Capt. Beverly M. Coleman, Chief Defense Counsel, and the accused, YOSUKE MATSUOKA, appearing by Capt. B everly M. Coleman, Chief Defense Counsel, and after consideration of the medical reports, it is

ORDERED that the application be postponed for further consideration, and that the said accused, SHUMEI OKAWA and YOSUKE MATSUOKA, remain in their respective hospitals where they are now confined for further medical treatment until further order of the Court, and that any of the parties hereto may call

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the matter up for further hearing on two days' notice.

Dated at TOKYO, JAPAN, this 23 day of May, 1946.

BY THE TRIBUNAL:

/s/ W. F. Webb
PRESIDENT

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PAPER NO. 86
DISPOSES OF PAPER NO. 56

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

No. 1

THE UNITED STATES OF AMERICA, et al	ORDER DISMISSING MOTION FOR BILL OF PARTICULARS
- AGAINST -	
ARAKI, Sadao; et al	

This matter coming before Sir William F. Webb, President of the Tribunal in the Conference Room on the motion of the defendants, HIRANUMA, Kiichiro; MATSUOKA, Yosuke; SHIGEMITSU, Mamoru; TOGO, Shigenori; and UMEZU, Yoshijiro; for Bill of Particulars, and the motion of all defendants joining in the said motion for Bill of Particulars, and having heard the arguments of counsel for the Prosecution Section and the Defense Section appearing on behalf of all said accused, and after consideration thereof, it is

ORDERED that the said motion for Bill of Particulars be and hereby dismissed.

Dated at Tokyo, Japan, this 25 day of May, 1946.

BY THE TRIBUNAL:

W. F. WEBB
(signed) PRESIDENT

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5b

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

No.I.

THE UNITED STATES OF AMERICA, et al

- VS -

ARAKI, Sadao, et al

Defendants

MOTION FOR BILL OF PARTICULARS

NOW COME the defendants, HIRANUMA, Kiichiro; SHIGEMITSU, Mamoru; TOGO, Shigenori; and UMEZU, Yoshijiro, by their American counsel and respectfully allege that the Indictment and the various counts thereof which involve each of them are phrased so generally that they do not adequately apprise them of the offenses charged against them; and that in order to be able to prepare his defense, each of the above named defendants requires and, by his American counsel, respectfully requests the following particulars and information:

1. The times when, the places where, and in what manner, each of the above named defendants entered into the conspiracies alleged in the Indictment.

2. The times when, the places where, and in what manner, each of the above named defendants participated in the plans or conspiracies alleged in Counts 1 to 6 of the Indictment.

3. The times when, the places where, and in what manner,

PURL: http://www.legal-tools.org/doc/1ae519/

each of the above named defendants planned and prepared wars of aggression alleged therein to have been in violation of international law, treaties, agreements and assurances as charged in Counts 6 to 17 inclusive of the Indictment.

4. The times when, the places where, and in what manner, such of the above named defendants as are charged in Counts 18 to 26 inclusive of the Indictment participated in initiating wars of aggression alleged therein to have been in violation of international law, treaties, agreements and assurances.

5. The times when, the places where, and in what manner, such of the above named defendants as are charged in Counts 27 to 36 inclusive of the Indictment waged wars of aggression alleged therein to have been in violation of international law, treaties, agreements and assurances.

6. The times when, the places where, and in what manner, such of the above named defendants as are charged in Counts 37 and 38 of the Indictment participated in the plans or conspiracies alleged therein.

7. The times when, the places where, and in what manner, such of the above named defendants as are charged in Counts 39 to 43 inclusive of the Indictment ordered, caused or permitted the acts alleged therein.

8. The times when, the places where, and in what manner, each of the above named defendants participated in the plans or conspiracies alleged in Count 44 of the Indictment.

9. The times when, the places where, and in what manner,

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such of the above named defendants as are charged in Counts 45 to 52 inclusive of the Indictment, ordered, caused or permitted the acts alleged therein.

10. The times when, the places where, and in what manner, such of the above named defendants as are charged in Count 53 of the Indictment participated in the plans or conspiracies alleged therein.

11. The times when, the places where, and in what manner, such of the above named defendants as are charged in Count 54 of the Indictment, ordered, authorized or permitted the acts alleged therein.

12. The legal duties which such of the above named defendants as are charged in Count 55 of the Indictment, disregarded, and the times when, the places where and in what manner, each of such defendants disregarded such duties.

13. The times when, the places where, and in what manner, each of the above named defendants was connected with the events alleged in Appendix A, Appendix C and in Sections 1 - 15 inclusive of Appendix D of the Indictment.

14. The times when, the places where, in what manner and in what capacity, each of the above named defendants engaged in the conferences and meetings referred to in Appendix E of the Indictment.

15. The times when, the places where, and in what manner, each of the above named defendants was responsible for the acts or the omissions of the governments, of which he is alleged

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PAPER NO. 121
DISPOSES OF PAPER NO.79

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	ORDER, GRANTING MOTION OF ALL OF THE DEFENDANTS FOR A CONTINUANCE.
- vs -	
ARAKI, SADAO; et al	

This matter coming on to be heard by the Tribunal in open Court on 3 June 1946, upon the motion, in behalf of all the defendants, to postpone the trial of this case from the date now assigned of 3 June 1946, and

the Tribunal being fully advised in the premises, it is the decision of a majority of the Justices of the Tribunal, and

ORDERED, that the motion be granted, and that Thursday, 13 June 1946, 0930 hours be set for the trial of this case, and the Tribunal be adjourned to Tuesday, 4 June 1946, for consideration of preliminary matters and opening statement of the Prosecution.

Dated at Tokyo, Japan, this 3 June 1946.

BY THE TRIBUNAL:

(signed) W. F. WEBB
PRESIDENT

PURL: http://www.legal-tools.org/doc/6f8b2e/

MEMBERS PRESENT:

Mr. Justice Webb, President of the Tribunal
Mr. Justice Northcroft
Lord Patrick
Mr. Justice Mei
Major General of Justice Zaryanov
Mr. Justice Higgins
Mr. Justice McDougall
Mr. Justice Bernard
Mr. Justice Roling
Mr. Justice Pal

PURL: http://www.legal-tools.org/doc/6f8b2e/

19

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

No. I.

THE UNITED STATES OF AMERICA, et al

- VS -

ARAKI, Sadao, et al

Defendants

24 May 1946

MOTION FOR A CONTINUANCE

COME NOW the defendants and move the Tribunal to postpone the trial of this case from the date now assigned of 3 June 1946 for such a reasonable period of time as will enable counsel for the defendants to adequately prepare for trial.

Defendants further state that this case involves acts alleged to have been committed from the year 1928 into the year 1945 in various nations; that it involves 28 defendants, and documents, treaties and agreements covering world history during some forty odd years; that this case is novel and of the greatest import to the world in general; that the Chief of Counsel for the International Prosecution Section has had engaged for six months last past, hundreds of assistants, investigators and expert personnel gathering information and preparing the case for the prosecution.

Defendants further state that the defendants are represented by Japanese counsel, most of whom do not understand the English language; that on 5 May 1946 two American lawyers were assigned to assist in the defense of these cases and six American lawyers were assigned on 6 May 1946,

-1-

Lord Patrick
Mr. Justice Mei
Major General of Justice Zaryanov
Mr. Justice Higgins
Mr. Justice McDougall
Mr. Justice Bernard
Mr. Justice Roling
Mr. Justice Pal

PURL: http://www.legal-tools.org/doc/ef685f/

that on 17 May 1946 fourteen American lawyers arrived in Tokyo and two others have arrived since said date.

Defendants further state that said lawyers who have arrived in Tokyo in the last week have diligently applied themselves to the task of becoming familiar with this case and are in the process of being engaged to assist in the defense of individual defendants; that the task of these lawyers becoming reasonably conversant with this case in order to be of assistance to the Japanese counsel, and to the defendants, is monumental.

Beverly M. Coleman
Captain, USNR
Counsel for Defendants

HIRANUMA, Kiichiro
by
Samuel J. Kleiman
Captain, AC

TOGO, Shigenori
by
George Yamaoka

MATSUOKA, Yosuke
by
Franklin E. N. Warren
Lt. Colonel, AC

UMEZU, Yoshijiro
by
Ben Bruce Blakeney
Major, AC

OKAWA, Shumei
by
Alfred W. Brooks
Captain, AC

SHIGEMITSU, Mamoru
by
George A. Furness
Major, AC

Mr. Justice Higgins
Mr. Justice McDougall
Mr. Justice Bernard
Mr. Justice Roling
Mr. Justice Pal

PURL: http://www.legal-tools.org/doc/ef685f/

PAPER NO. 122
DISPOSES OF PAPER NO. 87

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	ORDER,
	GRANTING MOTION OF ALL
- vs -	THE DEFENDANTS FOR
	ADDITIONAL TIME TO
ARAKI, SADAO; et al	FILE MOTIONS OR PLEAD.

This matter coming on to be heard by the Tribunal in open Court on 3 June 1946, upon the motion in behalf of all the defendants, to set aside the Order of the Tribunal, entered 15 May 1946, setting 25 May 1946, as last day for filing preliminary motions, and to extend the time within which such motions and pleadings may be filed by the defendants, and

The Tribunal being fully advised in the premises, it is the decision of a majority of the Justices of the Tribunal, and

ORDERED, that said motion be granted to the extent that hereafter motions may only be filed by special leave of the Tribunal.

Dated at Tokyo, Japan, the 3 June 1946.

BY THE TRIBUNAL:

(signed) W. F. WEBB
PRESIDENT

MEMBERS PRESENT:
Mr. Justice Webb, President of the Tribunal
Mr. Justice Northcroft
Lord Patrick
Mr. Justice Mei
Major General of Justice Zaryanov
Mr. Justice Higgins
Mr. Justice McDougall
Mr. Justice Bernard
Mr. Justice Roling
Mr. Justice Pal

PURL: http://www.legal-tools.org/doc/9fcca5/

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INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

87

No. I.

THE UNITED STATES OF AMERICA, et al

- VS -

ARAKI, Sadao, et al

- Defendants -

22 May 1946

MOTION FOR ADDITIONAL TIME WITHIN WHICH TO FILE MOTIONS OR OTHER PLEADINGS

COME NOW the defendants in the above cause, by their respective attorneys and move the Tribunal to set aside its order entered on the 15th day of May 1946 requiring that any preliminary motions be filed by the 25th day of May 1946 and further move the Tribunal extend the time within which such motions and pleadings may be filed by the defendants, or any of them, by granting at least one week beyond the time heretofore set.

Defendants further state that all defendants, except a few , who have been individually represented by American counsel, have been solely represented herein by Japanese counsel who are generally unfamiliar with the procedure and substantive law applied and to be applied by this Tribunal; that the War Department of the United States of America has sent 16 lawyers from the United States of America, who have arrived in Tokyo within the last few days, for the purpose of assisting the accused in the defense of their cases; that this proceeding is of such a novel and involved nature that these lawyers cannot reasonably familiarize

PURL: http://www.legal-tools.org/doc/b690a7/

themselves with the indictment and the issues involved and with the proceedings that have transpired and determine what motions, pleadings or action they might deem necessary, or advisable, to file or take on behalf of those defendants they will represent, within the time heretofore set. Defendants further state however that the American lawyers have concluded from the information they have been able to obtain that further motions are undoubtedly required on behalf of the defendants.

ARAKI, Sadao

by _____
Yutaka Sugahara
Japanese Counsel

DOHIHARA, Kenji

by _____
Naoyoshi Tsukasaki
Japanese Counsel

HASHIMOTO, Kingoro

by _____
Itsuro Hayashi
Japanese Counsel

HATA, Shunroku

by _____
Masayoshi Kanzaki
Japanese Counsel

HIRANUMA, Kiichiro

by _____
Rokuro Usami
Japanese Counsel

_____
Samuel J. Kleiman
Captain, AC
American Counsel

HIROTA, Koki

by _____
Tadashi Hanai
Japanese Counsel

HOSHINO, Naoki

by _____
Goichiro Fujii
Japanese Counsel

ITAGAKI, Seishiro

by _____
Hanzo Yamada
Japanese Counsel

KAYA, Okinori

by _____
Tsuruo Takano
Japanese Counsel

KIDO, Koichi

by _____
Shigetaka Hozumi
Japanese Counsel

KIMURA, Heitaro

by _____
Tokisaburo Shiohara
Japanese Counsel

PURL: http://www.legal-tools.org/doc/b690a7/

KOISO, Kuniaki

by Shohei Sammonji
Shohei Sammonji
Japanese Counsel

MATSUI, Iwane

by Kiyoshi Ito
Kiyoshi Ito
Japanese Counsel

MATSUOKA, Yosuke

by Shunzo Kobayashi
Shunzo Kobayashi
Japanese Counsel

Franklin E. N. Warren
Franklin E. N. Warren
Lt. Colonel, AC
American Counsel

MINAMI, Jiro

by
Kintaro Takenouchi
Japanese Counsel

MUTO, Akira

by Shoichi Okamoto
Shoichi Okamoto
Japanese Counsel

George A. Furness
George A. Furness
Major, AC
American Counsel

NAGANO, Osami

by
Hachiro Okuyama
Japanese Counsel

OKA, Takasumi

by Shinji Somiya
Shinji Somiya
Japanese Counsel

OKAWA, Shumei

by Shin-ichi Ohhara
Shin-ichi Ohhara
Japanese Counsel

OSHIMA, Hiroshi

by Naoyoshi Tsukasaki
Naoyoshi Tsukasaki
Japanese Counsel

SATO, Kenryo

by Hyoichiro Kusano
~~Ichiro Kiyose~~
Japanese Counsel

SHIGEMITSU, Mamoru

by
Kenzo Takayanagi
Japanese Counsel

George A. Furness
George A. Furness
Major, AC
American Counsel

SHIMADA, Shigetaro

by Yoshitsugu Takahashi
Yoshitsugu Takahashi
Japanese Counsel

SHIRATORI, Toshio

by
Dr. Somei Uzawa
Japanese Counsel

PURL: http://www.legal-tools.org/doc/b690a7/

SUZUKI, Teiichi

by M. Hasegawa

Motokichi Hasegawa
Japanese Counsel

TOGO, Shigenori

by Shigetaka Hozumi

Shigetaka Hozumi
Japanese Counsel

George Yamaoka

George Yamaoka
American Counsel

TOJO, Hideki

by Ichiro Kiyose

Ichiro Kiyose
Japanese Counsel

UMEZU, Yoshijiro

by Shotaro Miyake

Shotaro Miyake
Japanese Counsel

Ben Bruce Blakeney

Ben Bruce Blakeney
Major, AC
American Counsel

Mr. Justice Pal

PURL: http://www.legal-tools.org/doc/b690a7/

PAPER NO. 123
DISPOSES OF PAPER NO. 81

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	ORDER,
	DISMISSING MOTION
- vs -	OF ALL THE DEFENDANTS
	TO MAKE SPECIFIC
ARAKI, SADAO; et al	FINDINGS OF FACT.

This matter coming on to be heard by the Tribunal in open Court on 3 June 1946, upon the motion, in behalf of all the defendants, for the Tribunal to make specific findings of fact specially concerning each of said defendants, and the

Tribunal being fully advised in the premises, it is the decision of a majority of the Justices of the Tribunal, and

ORDERED, that the motion be, and is hereby dismissed.

Dated at Tokyo, Japan, this 3 June 1946.

BY THE TRIBUNAL:

(signed) W. F. WEBB
PRESIDENT

MEMBERS PRESENT:
Mr. Justice Webb, President of the Tribunal
Mr. Justice Northcroft
Lord Patrick
Mr. Justice Mei
Major General of Justice Zaryanov
Mr. Justice Higgins
Mr. Justice McDougall
Mr. Justice Bernard
Mr. Justice Roling
Mr. Justice Pal

PURL: http://www.legal-tools.org/doc/5188e8/

81

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

No. I.

THE UNITED STATES OF AMERICA, et al

- VS -

ARAKI, Sadao, et al

Defendants

24 May 1946

MOTION FOR SPECIFIC FINDINGS OF FACT

COME NOW the defendants and severally move the Tribunal to make specific findings of fact specially concerning each of said defendants.

Beverly M. Coleman
Captain, USNR
Counsel for Defendants

HIRANUMA, Kiichiro
by
Samuel J. Kleiman
Captain, AC

TOGO, Shigenori
by
George Yamaoka

MATSUOKA, Yosuke
by
Franklin E. N. Warren
Lt. Colonel, AC

UMEZU, Yoshijiro
by
Ben Bruce Blakeney Sgk
Major, AC

OKAWA, Shumei
by
Alfred W. Brooks
Captain, AC

SHIGEMITSU, Mamoru
by
George A. Furness
Major, AC

Mr. Justice McDougall
Mr. Justice Bernard
Mr. Justice Roling
Mr. Justice Pal

PURL: http://www.legal-tools.org/doc/5188e8/

PAPER NO. 124
DISPOSES OF PAPER NO. 85

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al - vs - ARAKI, SADAO; et al	ORDER, DISMISSING MOTION OF ALL THE DEFENDANTS TO DISMISS THE INDICTMENT.

This matter coming on to be heard by the Tribunal in open Court on 3 June 1946, upon the motion, in behalf of all the defendants, to dismiss the Indictment, and each of the 55 counts thereof, and the Tribunal being fully advised in the premises, it is the decision of a majority of the Justices of the Tribunal, and

ORDERED, that the said motion be, and is hereby dismissed.

Dated at Tokyo, Japan, this 3 day of June 1946.

BY THE TRIBUNAL:

(signed) W. F. WEBB
PRESIDENT

MEMBERS PRESENT:
Mr. Justice Webb, President of the Tribunal
Mr. Justice Northcroft
Lord Patrick
Mr. Justice Mei
Major General of Justice I. M. Zaryanov
Mr. Justice Higgins
Mr. Justice McDougall
Mr. Justice Bernard
Mr. Justice Roling
Mr. Justice Pal

PURL: http://www.legal-tools.org/doc/0d947b/

PAPER NO. 125
DISPOSES OF PAPER NO. 82

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	) ORDER,
	) DISMISSING MOTION OF
- vs -	) ALL THE DEFENDANTS TO BE
	) MADE PARTIES NUNC PRO TUNC
ARAKI, SADAO; et al	) TO A PREVIOUS MOTION.

This matter coming on to be heard by the Tribunal in open Court on 3 June 1946, upon the motion, in behalf of all the defendants, for an order making all defendants who were not parties to a certain motion to the jurisdiction of the Tribunal and to dismiss the Indictment, filed 13 May 1946, by HIRANUMA, et al, parties thereto nunc pro tunc and any ruling thereunder effective against said defendants, and

The Tribunal being fully advised in the premises, it is the decision of a majority of the Justices of the Tribunal, and

ORDERED, that the motion be, and is hereby dismissed.

Dated at Tokyo, Japan, this 3 June 1946.

BY THE TRIBUNAL.

(Signed) W. F. WEBB
PRESIDENT

MEMBERS PRESENT:
Mr. Justice Webb, President of the Tribunal
Mr. Justice Northcroft
Mr. Justice Mei
Lord Patrick
Major General of Justice Zaryanov
Mr. Justice Higgins
Mr. Justice McDougall
Mr. Justice Bernard
Mr. Justice Roling
Mr. Justice Pal

PURL: http://www.legal-tools.org/doc/9dc83d/

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

No. I.

87

THE UNITED STATES OF AMERICA, et al

- VS -

ARAKI, Sadao, et al

Defendants

24 May 1946

MOTION FOR AN ORDER TO BE MADE PARTIES

COME NOW the defendants and move the Tribunal to order that the defendants herein who have not heretofore been parties to the following motion filed before this Tribunal be made parties thereto nunc pro tunc and that any ruling of the Tribunal adverse to the motion be recorded as affecting all the defendants and to have been made over their several objections and exceptions:

Motion Number 2 filed on the 13th day of May 1946 by defendant HIRANUMA, Kiichiro, et al, entitled "Motion."

Beverly M. Coleman
Beverly M. Coleman
Captain, USNR
Counsel for Defendants

HIRANUMA, Kiichiro
by
Samuel J. Kleiman
Samuel J. Kleiman
Captain, AC

SHIGEMITSU, Mamoru
by
George A. Furness
George A. Furness
Major, AC

MATSUOKA, Yosuke
by
Franklin E. N. Warren
Franklin E. N. Warren
Lt. Colonel, AC

TOGO, Shigenori
by
George Yamaoka
George Yamaoka

OKAWA, Shumei
by
Alfred W. Brooks
Alfred W. Brooks
Captain, AC

UMEZU, Yoshijiro
by
Ben Bruce Blakeney SJK
Ben Bruce Blakeney
Major, AC

whether, in view of the evidence given in his absence, a fair trial can be had by him in these proceedings; throughout which

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PAPER NO. 128
Disposes of
Paper No. 90.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al

- vs -

ARAKI, SADAO; et al

) ORDER, PARAGRAPH 1,
) GRANTING, REQUEST OF OKAWA
) FOR TRANSFER TO TOKYO
) IMPERIAL UNIVERSITY HOSPITAL
) FOR CARE AND TREATMENT; and
) DISMISSING, PARAGRAPH 2,
) THEREOF, TO STRIKE THE NAME
) OF OKAWA FROM THE INDICTMENT
) OR STAY PROCEEDINGS.

This matter coming on to be heard by the Tribunal in open Court on 3 June 1946, upon the Request of SHUMEI OKAWA, that the Tribunal direct the transfer of the said SHUMEI OKAWA, to the psychiatric ward of the Tokyo Imperial University Hospital, for proper care and treatment; and, that his name be struck from the Indictment or proceedings be stayed in his case, and

The Tribunal being fully advised in the premises, it is the decision of a majority of the Justices of the Tribunal, and

ORDERED: That said Request be granted, in that the Tribunal directs the removal of SHUMEI OKAWA to the psychiatric ward of the Tokyo Imperial University Hospital for care and treatment; subject to such provisions for securing his proper custody therein as may be directed by the Supreme Commander. And it is further

ORDERED: That all the balance of said Request is refused. However, if and when the accused SHUMEI OKAWA is called upon to plead at this trial, the Tribunal will consider whether, in view of the evidence given in his absence, a fair trial can be had by him in these proceedings; throughout which

PURL: http://www.legal-tools.org/doc/5f175b/

he will be represented by his counsel.

Dated at Tokyo, Japan, the 4 June 1946.

BY THE TRIBUNAL:

PRESIDENT

OPINION:

The evidence indicates that the accused is at present suffering from a serious mental disease or disorder. He has not yet been called upon to plead. However, there is, as yet, no reason to suppose that he will not recover during the progress of this trial, so as to be able to plead when called upon.

BY THE TRIBUNAL:

PRESIDENT

MEMBERS PRESENT:
Mr. Justice Webb, President of the Tribunal
Mr. Justice Northcroft
Lord Patrick
Mr. Justice Mei
Major General and Justice I. M. Zaryanov
Mr. Justice Higgins
Mr. Justice McDougall
Mr. Justice Bernard
Mr. Justice Roling
Mr. Justice Pal.

PURL: http://www.legal-tools.org/doc/5f175b/

Paper No. 129
Disposes of
Paper No. 78.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1.

THE UNITED STATES OF AMERICA, et al

- vs -

ARAKI, SADAO; et al

) ORDER, GRANTING PARAGRAPH 2,
) REQUEST OF YOSUKE MATSUOKA
) FOR TRANSFER TO TOKYO IMPERIAL
) UNIVERSITY HOSPITAL FOR CARE
) AND TREATMENT, AND
) DISMISSING, PARAGRAPH 3
) THEREOF, TO STRIKE THE NAME
) OF MATSUOKA FROM THE
) INDICTMENT OR STAY PROCEEDINGS.

This matter coming on to be heard by the Tribunal in open Court on 3 June 1946, upon the Request of Yosuke MATSUOKA, that the Tribunal direct the transfer of the said Yosuke MATSUOKA to the isolation ward of the Tokyo Imperial University Hospital, for proper care and treatment; and, that his name be struck from the Indictment or proceedings be stayed in his case, and

The Tribunal being fully advised in the premises, it is the decision of a majority of the Justices of the Tribunal, and

ORDERED: That said Request be granted in that the Tribunal directs that Yosuke MATSUOKA be delivered to and kept in the isolation ward of the Tokyo Imperial University Hospital; subject to such provisions for securing his proper custody therein as may be directed by the Supreme Commander. And it is further

ORDERED: That the balance of said Request is refused. However, the application may be renewed later if further evidence is forthcoming. In the meantime, the accused will be represented by his Counsel before the Court.

Dated at Tokyo, Japan, the 4 June 1946.

BY THE TRIBUNAL:

PRESIDENT

PURL: http://www.legal-tools.org/doc/e2817a/

Paper No. 129
Disposes of
Paper No. 78.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1.

THE UNITED STATES OF AMERICA, et al

- vs -

ARAKI, SADAO; et al

) ORDER, GRANTING PARAGRAPH 2,
) REQUEST OF YOSUKE MATSUOKA
) FOR TRANSFER TO TOKYO IMPERIAL
) UNIVERSITY HOSPITAL FOR CARE
) AND TREATMENT, AND
) DISMISSING, PARAGRAPH 3
) THEREOF, TO STRIKE THE NAME
) OF MATSUOKA FROM THE
) INDICTMENT OR STAY PROCEEDINGS.

This matter coming on to be heard by the Tribunal in open Court on 3 June 1946, upon the Request of Yosuke MATSUOKA, that the Tribunal direct the transfer of the said Yosuke MATSUOKA to the isolation ward of the Tokyo Imperial University Hospital, for proper care and treatment; and, that his name be struck from the Indictment or proceedings be stayed in his case, and

The Tribunal being fully advised in the premises, it is the decision of a majority of the Justices of the Tribunal, and

ORDERED: That said Request be granted in that the Tribunal directs that Yosuke MATSUOKA be delivered to and kept in the isolation ward of the Tokyo Imperial University Hospital; subject to such provisions for securing his proper custody therein as may be directed by the Supreme Commander. And it is further

ORDERED: That the balance of said Request is refused. However, the application may be renewed later if further evidence is forthcoming. In the meantime, the accused will be represented by his Counsel before the Court.

Dated at Tokyo, Japan, the 4 June 1946.

BY THE TRIBUNAL:

PRESIDENT

PURL: http://www.legal-tools.org/doc/1af4f3/

OPINION:

The evidence indicates that the condition of the accused is low and not likely to improve, but there is no definite evidence that he will not recover. As far as we can judge, he will be able to instruct counsel in the preparation of his defense.

BY THE TRIBUNAL:

_____

PRESIDENT

MEMBERS PRESENT:
Mr. Justice Webb, President of the Tribunal
Mr. Justice Northcroft
Lord Patrick
Mr. Justice Mei
Major General and Justice I. M. Zaryanov
Mr. Justice Higgins
Mr. Justice McDougall
Mr. Justice Bernard
Mr. Justice Roling
Mr. Justice Pal

PURL: http://www.legal-tools.org/doc/1af4f3/

78

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA,
et al.,

-vs-

ARAKI, Sadao, et al.

REQUEST OF THE ACCUSED, YOSUKE MATSUOKA, FOR CONFINEMENT IN A PRIVATE SANITARIUM.

COMES now Shunzo Kobayashi, Franklin E. N. Warren, and Alfred W. Brooks, counsel for the accused, Yosuke Matsuoka, appearing specially and in his behalf, and request this Tribunal to enter the proper order permitting the said accused, because of his physical condition, to be hospitalized in a private sanitarium, and in support thereof present to the Court the following information:

1. That heretofore, and on the 8th day of May 1946, this Tribunal entered its order requiring the Provost Marshal, A. S. Kenworthy, Lt. Colonel, to deliver into the custody of the 361st Hospital the accused, Matsuoka, to be kept in custody therein until such time as a medical examination had been completed. That such medical examination has now been completed and the reports of the physicians concur with respect to his physical condition and agree that he is physically unable to be present in court, and is in need of proper medical attention.

2. In view of the reports of the physicians referred to in the previous paragraph, it is requested that the Tribunal authorize and direct the transfer of the accused, Yosuke Matsuoka, to the isolation ward of the Tokyo Imperial University Hospital for proper care and treatment under the direction of Dr. Kozo Sakaguchi, who agrees to be responsible for the

to be records and files from such offices, without further

PURL: http://www.legal-tools.org/doc/fc1892/

custody, control and treatment of such accused, subject to the order of this Tribunal, and in support thereof will file with this Tribunal any necessary documents or further information required.

3. It is requested that the name of Yosuke Matsuoka be struck from the Indictment, or in lieu thereof that the present proceedings against him be stayed until such time as he is physically capable of proceeding to trial, and in support thereof suggest to the Tribunal that the physicians' reports, hereinbefore referred to, indicate that the physical condition of the accused is such that he is physically incapable of proceeding to trial, and is not in a proper physical condition to advise with counsel in the preparation of his defense, to assist in the procurement of evidence and witnesses, or to be present at the cross-examination of witnesses who will appear against him, or give advice to counsel with reference to documentary evidence introduced and arguments made thereon by counsel for the prosecution, and as a result thereof cannot adequately advise with his own counsel. The request is further prefaced on the condition that the accused desires the opportunity to testify, if necessary, and to prepare and present an adequate defense which would be in conformance with the fair trial provisions of the Charter creating this Tribunal.

4. That the Tribunal take such further actions or proceedings as they may deem just and proper in the premises.

/s/ Shunzo Kobayashi
SHUNZO KOBAYASHI

/s/ Franklin E. N. Warren
FRANKLIN E. N. WARREN

/s/ Alfred W. Brooks
ALFRED W. BROOKS

to be records and files from such offices, without further

PURL: http://www.legal-tools.org/doc/fc1892/

EX

TO 23

Paper No. 130
Disposes of
Paper No. 76

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	) ORDER,
	) GRANTING PARAGRAPHS
- vs -	) NUMBER 1, 2, 4 AND 5; AND
	) REFUSING PARAGRAPH NUMBER 3,
ARAKI, SADAO; et al	) OF THE MOTION OF THE
	) PROSECUTION FOR THE
	) PRODUCTION OF CERTAIN
	) DOCUMENTS WITHOUT FURTHER
	) AUTHENTICATION,, ETC.

This matter coming on to be heard by the Tribunal in open Court on 3 June 1946, upon the motion of the Prosecution for an order; (1) Authorizing separate opening statements; (2) For production of documents obtained from Japanese Government offices without further authentication; (3) That the Court take judicial notice of evidence in Schedule A; (4) That the Court take judicial notice of documents in Schedule B; (5) And that all exhibits be numbered consecutively. And

The Tribunal being fully advised in the premises, and it is the decision of a majority of the Justices of the Tribunal, and

ORDERED: Granted, as to the 1st paragraph of said motion. Counsel representing the separate phases of the case shall be at liberty to make an opening statement at the commencement of that particular phase. And

ORDERED: Granted, as to the 2nd paragraph of said motion. The Prosecution is at liberty to produce in Court documents obtained from the Japanese Government offices, purporting to be records and files from such offices, without further

PURL: http://www.legal-tools.org/doc/3ffad5/

authentication. Each of the accused shall have the right to object to the admission of any document on the ground that it is immaterial or irrelevant, or on any other substantial ground. The admission of these documents will be in all cases subject to all just exceptions and objections. And

ORDERED: Refused, as to the 3rd paragraph of said motion. The Tribunal has decided to consider this matter at the time the question is raised in the ordinary course of the proceedings as to whether any event should be judicially noticed. And

ORDERED: Granted, as to the 4th paragraph of said motion, in that the Tribunal gives liberty to the Prosecution to produce the documents listed in Schedule B of the motion without formal proof thereof, but subject to all just exceptions involving the accuracy, relevancy and materiality of the documents. Subject to such exceptions at the trial, the Tribunal will not require proof of the authenticity of the documents and shall receive them in evidence. And

ORDERED: Granted, as to the 5th paragraph of said motion. Exhibits tendered in evidence by the Prosecution and the Defense shall be numbered consecutively according to the order of their production.

Dated at Tokyo, Japan, 4 June 1946.

BY THE TRIBUNAL:

W. F. WEBB
PRESIDENT

MEMBERS PRESENT:
Mr. Justice Webb, President of the Tribunal
Mr. Justice Northcroft
Lord Patrick
Mr. Justice Mei
Major General of Justice I. M. Zaryanov
Mr. Justice Higgins
Mr. Justice McDougall
Mr. Justice Bernard
Mr. Justice Roling
Mr. Justice Pal

PURL: http://www.legal-tools.org/doc/3ffad5/

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INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

No. 1.

THE UNITED STATES OF AMERICA, THE REPUBLIC OF CHINA, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, THE UNION OF SOVIET SOCIALIST REPUBLICS, THE COMMONWEALTH OF AUSTRALIA, CANADA, THE REPUBLIC OF FRANCE, THE KINGDOM OF THE NETHERLANDS, NEW ZEALAND, INDIA, AND THE COMMONWEALTH OF THE PHILIPPINES,

Prosecutors,

-AGAINST -

ARAKI, Sadao; DOHIHARA, Kenji; HASHIMOTO, Kingoro; HATA, Shunroku; HIRANUMA, Kiichiro; HIROTA, Koki; HOSHINO, Naoki; ITAGAKI, Seishiro; KAYA, Okinori; KIDO, Koichi; KIMURA, Heitaro; KOISO, Kuniaki; MATSUI, Iwane; MATSUOKA, Yosuke; MINAMI, Jiro; MUTO, Akira; NAGANO, Osami; OKA, Takasumi; OKAWA, Shumei; OSHIMA, Hiroshi; SATO, Kenryo; SHIGEMITSU, Mamoru; SHIMADA, Shigetaro; SHIRATORI, Toshio; SUZUKI, Teiichi; TOGO, Shigenori; TOJO, Hideki; UMEZU, Yoshijiro,

Defendants.

NOTICE OF MOTION.- NO. _____.

The 23rd day of May , 1946.

TAKE NOTICE that the International Military Tribunal for the Far East will be moved by counsel on behalf of all the abovementioned prosecuting nations on Saturday, the 25th day of May , 1946, at 10 o'clock in the fore noon for an order giving directions as to the trial and in particular -

(1) FOR AN ORDER that counsel presenting separate phases of the case be at liberty to make an opening statement at the commencement of each of the said phases introducing and summarizing the evidence to be adduced by the prosecution in relation to such phase.

(2) FOR AN ORDER that the prosecution be at liberty to produce in Court documents obtained from Japanese Government offices purporting to be records and files of such offices, without further authentication.

(3) FOR AN ORDER that the Court take judicial notice of each of the events set out in Schedule A hereto.

(4) FOR AN ORDER that the Court take judicial notice of each of the documents set out in Schedule B hereto as basic documents, without further authentication or proof of the same.

PURL: http://www.legal-tools.org/doc/36b30e/

(5) FOR AN ORDER that all exhibits tendered in evidence, whether by prosecution or defense, be numbered consecutively according to the order of their production in evidence.

(6) FOR SUCH FURTHER OR OTHER ORDER in the premises as to the Tribunal may seem meet.

Chief of Counsel

on behalf of the abovenamed Prosecuting Nations.

TO -

The International Military Tribunal for the Far East;

AND TO -

The General Secretary thereof.

PURL: http://www.legal-tools.org/doc/36b30e/

EX

TO 22

Paper No. 131
Disposes of
Paper No. 80.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	ORDER,
	DISMISSING MOTION OF
	ALL THE DEFENDANTS
- vs -	CONCERNING TIME OF
	MAKING OPENING
ARAKI, SADAO; et al	STATEMENTS.

This matter coming on to be heard by the Tribunal, in open Court on 3 June 1946, upon the motion, in behalf of all the Defendants, for an order permitting counsel for each defendant to make an opening statement on behalf of said defendant after the close of the evidence offered by the prosecution and immediately before presentation of evidence on behalf of said defendant, and

The Tribunal being fully advised in the premises, it is the decision of a majority of the Justices of the Tribunal, and

ORDERED: That the motion be, and is hereby dismissed.

Dated at Tokyo, Japan, the 4 June 1946.

BY THE TRIBUNAL:

_____
PRESIDENT

OPINION:

Article 15c of the Charter gives each accused the right to make a concise opening statement immediately before his evidence is given in each case.

BY THE TRIBUNAL:

_____
PRESIDENT

PURL: http://www.legal-tools.org/doc/0b92fc/

MEMBERS PRESENT:

Mr. Justice Webb, President of the Tribunal
Mr. Justice Northcroft
Lord Patrick
Mr. Justice Mei
Major General and Justice I. M. Zaryanov
Mr. Justice Higgins
Mr. Justice McDougall
Mr. Justice Bernard
Mr. Justice Roling
Mr. Justice Pal

PURL: http://www.legal-tools.org/doc/0b92fc/

Paper 132
4 June

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

Case No. 1

Motion No.

THE UNITED STATES OF AMERICA, et al

- AGAINST -

ARAKI, Sadao, et al

Defendants.

APPLICATION OF HIROTA, KOKI FOR
LEAVE TO FILE ATTACHED MOTION
TO THE JURISDICTION OF THE TRIBUNAL

NOW COMES the defendant HIROTA, Koki, through his counsel of record and moves the Honorable, International Military Tribunal for the Far East for leave to file the attached motion going to the jurisdiction of this Tribunal. Insofar as counsel are aware, the points raised by the attached motion have heretofore not been presented to this Tribunal.

HIROTA, Koki

by

/s/ Tadashi Hanai
Japanese Counsel

/s/ David F. Smith
American Counsel

To the International Military Tribunal for the Far East and to the General Secretary thereof and to Chief of Counsel for the Prosecution.

Service of a copy of the foregoing application for leave to file a motion is acknowledged this fourth day of June 1946.

PURL: http://www.legal-tools.org/doc/2fa417/

Paper No. 135
Disposes of
Motion No. 132

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al

- vs -

ARAKI, SADAO, et al

ORDER,
ON APPLICATION OF
HIROTA, Koki

This matter coming on to be heard by Sir William F. Webb, President of the Tribunal, on the application of HIROTA, Koki, for leave to file attached motion to the jurisdiction of the Tribunal, and after hearing the arguments of the Counsel for the Prosecution Section and Counsel for the accused, the Court being fully advised, it is

ORDERED, that the said application of accused be in the same is hereby refused, exception noted.

Dated at Tokyo, Japan, this 5 June 1946.

BY THE TRIBUNAL:

PRESIDENT

PURL: http://www.legal-tools.org/doc/1c7a6d/

Paper No. 147
Disposes of
Paper No. 141

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	) ORDER REFUSING
	) APPLICATION OF
- vs -	) HIROTA, Koki,
	) FOR LEAVE TO FILE
ARAKI, SADAO, et al	) DESIGNATED MOTIONS

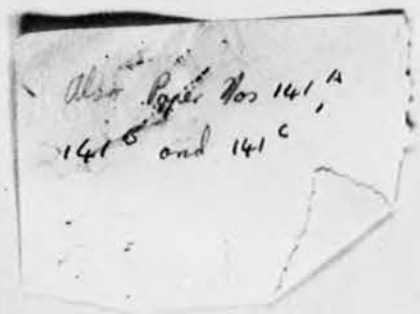
This matter coming on to be heard by the Tribunal, in the Conference Room, upon the application of HIROTA, Koki, for leave to file designated motions (annexed thereto), and after hearing the arguments of counsel for the accused and the counsel for the Prosecution Section, the Court being fully advised in the premises, it is

ORDERED: that the said application of accused be and the same is hereby refused, and the exception noted.

Dated at Tokyo, Japan, this 12 June, 1946.

BY THE TRIBUNAL:

W. F. WEBB,
PRESIDENT.



PURL: http://www.legal-tools.org/doc/6a73a5/

Et 12 MO by De 20

Paper No. 141

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

Case No. 1

MOTION NO._____

THE UNITED STATES OF AMERICA, et al,

vs.

ARAKI, Sadao, et al, Defendants.

APPLICATION OF HIROTA, Koki, for LEAVE TO FILE DESIGNATED MOTIONS.

Now comes the defendant, HIROTA, Koki, by his duly appointed attorneys of record, and moves the Honorable, the International Military Tribunal for the Far East, for an order granting leave to file the annexed motions designated as follows:

1. Demurrer to certain counts and parts of the Indictment.
2. Motion for a separate trial.
3. Motion suggesting the disqualification of the Philippine Justice appointed to the Tribunal.
4. This application.

HIROTA, Koki
By

/s/ _____
Tadashi Hanai
Japanese Counsel

/s/ _____
David F. Smith
American Counsel

To:

The International Military Tribunal for the Far East;

And to:

The General Secretary Thereof.

PURL: http://www.legal-tools.org/doc/76f0b1/

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INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

Case No. 1

MOTION No. _____

THE UNITED STATES OF AMERICA, et al,

vs.

ARAKI, Sadao, et al, Defendants.

MOTION SUGGESTING THE DISQUALIFICATION AND PERSONAL BIAS OF THE PHILIPPINE JUSTICE OF THE TRIBUNAL.

Now comes HIROTA, Koki, by his duly appointed attorneys of record, and moves the Honorable, The International Military Tribunal for the Far East, for an order adjudging that the Honorable Delfin Jaranilla, the Philippine Justice representing the Commanwealth of the Philippines on this Honorable Tribunal, is disqualified to sit and function as a Justice of this Honorable Tribunal, and as grounds for said motion says as follows:

1. The defendant and his counsel of record are informed and believe, and upon such information and belief allege that the Honorable Delfin Jaranilla, the Philippine Justice upon the Tribunal, was captured by the Japanese armed forces in the Philippines during the early part of World War No. 2 and was forced by the Japanese army, while he was in an impaired state of health, to undergo an inordinately long march popularly called during World War No. 2 "The Death March of Bataan, " and for a long time after his said capture was held as a prisoner of war. As the so-called "Death March of Bataan" is part of the evidence which will come before this Tribunal under the pending Indictment, and as the Honorable Delfin Jaranilla,

PURL: http://www.legal-tools.org/doc/60c6c7/

the Philippine Justice, was a participant and actor in such episode, he has and maintains in the legal sense a personal bias and prejudice against this defendant. By reason of the foregoing the defendant is unable to obtain a fair and impartial trial before this Honorable Tribunal with said Philippine Justice sitting as a member of the Tribunal.

2. Counsel certify that the grounds stated in this motion are made in good faith and not for any purpose of hindrance or delay.

HIROTA, Koki,
By

/s/ Jadashi Hanai
Japanese Counsel

/s/ David F. Smith
American Counsel

To:

The International Military Tribunal for the Far East;

And to:

The General Secretary Thereof.

PURL: http://www.legal-tools.org/doc/60c6c7/

B
/41

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

Case No. 1

MOTION NO. _____

THE UNITED STATES OF AMERICA, et al,

vs.

ARAKI, Sadao, et al, Defendants.

MOTION OF HIROTA, Koki,

FOR A SEPARATE TRIAL

Now comes the defendant, Hirota, Koki, by his duly appointed attorneys of record, and moves the Honorable, the International Military Tribunal for the Far East, for an order granting this defendant a separate trial on the Indictment heretofore filed with the Tribunal on 3 May, 1946, and as grounds for said motion says as follows:

1. The defendant is indicted for acts and possibly acts of omission in his capacity as Japanese Ambassador to Russia and as Foreign Minister and Prime Minister of Japan. He never occupied any military or naval office in the Japanese Government. The joining of this defendant with a large number of military and naval officers of the Japanese Government renders it impossible, from both a legal and practical standpoint, for this defendant to obtain a fair and impartial trial, and his trial jointly with a large number of such military and naval officers will hopelessly prejudice his defense.

2. The Indictment covers a period of seventeen years of Japanese history and governmental action. The trial of this defendant jointly with twenty-seven other

PURL: http://www.legal-tools.org/doc/ddf16a/

defendants involves many thousands of issues which cannot be reasonably or conveniently presented in a single trial or proceeding. The trial involves such a multitude of defendants and facts and will require such an inordinate period of time for its consideration and determination that this defendant has no possibility of a just determination of the merits of his case in the context of a joint trial.

3. The Indictment and the defense to the Indictment will involve a presentation of facts of such enormous proportions that a joint trial will prove to be unwieldy and of indefinite duration.

4. And for other matters to be argued.

HIROTA, Koki
by

/s/ Tadashi Hanai
Tadashi Hanai
Japanese Counsel

/s/ David F. Smith
David F. Smith
American Counsel

To:

The International Military Tribunal for the Far East;

And to:

The General Secretary Thereof.

PURL: http://www.legal-tools.org/doc/ddf16a/

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141

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

Case No 1

MOTION No. ____

THE UNITED STATES OF AMERICA, et al

vs.

ARAKI, Sadao, et al,

Defendants.

DEMURRER TO CERTAIN COUNTS OF THE INDICTMENT FILED WITH THE TRIBUNAL 3 May 1946.

Now comes the defendant, HIROTA, Koki, by his attorneys of record, and files a demurrer to the hereinafter described counts and parts of the Indictment heretofore filed with the Tribunal on 3 May 1946, and says such counts and parts of the Indictment are bad, both in substance and form.

The portions of the Indictment reached by the demurrer are:

Counts 1 to 17, inclusive, and the alleged preamble to such counts; counts 19 to 25, inclusive; counts 27 to 38, inclusive; counts 37 to 47, inclusive, and the alleged preamble to such counts; and count 52.

The points to be argued are:

1. The foregoing counts and parts of the alleged Indictment do not charge the commission by this defendant of any offense known to any body of law in the world.

2. The defendant occupied the high office in the Japanese Government of Ambassador to Russia, Foreign Minister, and Prime Minister. He is indicted for alleged

PURL: http://www.legal-tools.org/doc/335bd5/

acts and possibly acts of omission while serving in his official capacity as aforesaid in the Japanese Government, and not otherwise. The actions taken by the defendant while occupying the aforesaid offices in the Japanese Government are beyond the reach of any body or system of law known to the world, and are immune to re-examination by any sovereign nation or group of nations anywhere in the world.

3. The alleged acts and possibly acts of omission charged against the defendant in the foregoing counts and parts of the alleged Indictment were acts of the Japanese Government acting in its sovereign capacity as a government, and this defendant is not subject to prosecution as an individual or by reason of having been an actor in the performance of his governmental functions.

4. Neither of the foregoing counts or parts of the alleged Indictment inform this defendant of the nature and the cause of the accusation against him.

5. The foregoing counts and parts of the alleged Indictment consists in their entirety of conclusions and argumentative matter.

6. And for other matters appearing on the face of the foregoing counts and parts of the alleged Indictment to be argued.

HIROTA, Koki
By
/s/ Tadashi Hanai
Tadashi Hanai
Japanese Counsel

/s/ David F. Smith
David F. Smith
American Counsel

To:
The International Military Tribunal for the Far East;

And to:
The General Secretary Thereof.

PURL: http://www.legal-tools.org/doc/335bd5/

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

80

No. I.

THE UNITED STATES OF AMERICA, et al

- VS -

ARAKI, Sadao, et al

Defendants

24 May 1946

MOTION FOR ORDER CONCERNING TIME OF MAKING OPENING STATEMENT

COME NOW the defendants and move the Tribunal for an order permitting counsel for each defendant to make an opening statement on behalf of said defendant after the close of the evidence offered by the prosecution and immediately before the presentation of evidence on behalf of each said defendant.

Beverly M. Coleman
Beverly M. Coleman
Captain, USNR
Counsel for Defendants

HIRANUMA, Kiichiro
by
Samuel J. Kleiman
Samuel J. Kleiman
Captain, AC

MATSUOKA, Yosuke
by
Franklin E N Warren
Franklin E. N. Warren
Lt. Colonel, AC

OKAWA, Shumei
by
Alfred W. Brooks
Alfred W. Brooks
Captain, AC

SHIGEMITSU, Mamoru
by
George A. Furness
George A. Furness
Major, AC

TOGO, Shigenori
by
George Yamaoka
George Yamaoka

UMEZU, Yoshijiro
by
Ben Bruce Blakeney
Ben Bruce Blakeney
Major, AC

leave to file a motion is acknowledged this fourth day of

June 1946.

PURL: http://www.legal-tools.org/doc/061720/

ET

TO 27

Paper No. 158
Disposes of
Paper No. 148

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	) ORDER,
	) ON APPLICATION FOR
- vs -	) CERTAIN DEFENDANTS
	) FOR LEAVE TO FILE
ARAKI, Sadao, et al	) MOTIONS

This matter coming on to be heard by Mr. Justice Webb, President of the Tribunal, on the Application of certain defendants for leave to file two motions, and after hearing arguments of Counsel for the Prosecution Section and Counsel for the accused, the Tribunal being fully advised, it is

ORDERED, that the said application of said accused be and the same is hereby refused.

Dated at Tokyo, Japan, this 13 June 1946.

BY THE TRIBUNAL:

(Signed) W. F. WEBB
PRESIDENT

PURL: http://www.legal-tools.org/doc/0ab07a/

TO 26

Paper No. 178
Disposes of —
Paper No. 166

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	ORDER, GRANTING APPLICATION OF PROSECUTION FOR LEAVE TO FILE MOTION.
- vs -	
ARAKI, Sadao; et al	

This matter coming on to be heard by Mr. Justice Webb, President of the Tribunal, on the Application of the Prosecution for leave to file motion, and after hearing arguments of Counsel for the Prosecution Section and Counsel for the accused, the Tribunal being fully advised, it is

ORDERED, that the said application be and the same is hereby granted and the said motion is set for hearing in the Court Room at 0930 hours on 25 June 1946.

Dated at Tokyo, Japan, this 24 June 1946.

BY THE TRIBUNAL:

(Signed) W. F. WEBB
PRESIDENT

PURL: http://www.legal-tools.org/doc/6acd76/

166

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST.

No. 1.

THE UNITED STATES OF AMERICA AND ORS.

Prosecutors,

- AGAINST -

ARAKI, Sadao, AND ORS.

Defendants.

APPLICATION FOR LEAVE TO FILE MOTION.

The day of June, 1946.

The abovementioned Prosecutors make application to the International Military Tribunal for the Far East for leave to file the motion a copy of which is hereto annexed and for an order for the hearing of such motion in chambers at a date and time to be fixed by the said Tribunal or for such further or other order as to the Tribunal may seem meet on the grounds following:

(1) That if copies of the whole of every document or book from which excerpts are adduced in evidence by the Prosecution are required to be made and served on the Defendants, considerable delay will be caused in the trial. The reproducing and processing units and the material available in Japan are insufficient to enable such copies to be made promptly, and it will therefore be necessary to send some of the said documents or books to the United States of America for reproduction. In spite of repeated efforts by the Prosecution, it has been found impossible to procure reproducing or processing units and material other than those which are at present available. It is estimated that the Prosecution will use excerpts from 1,000 of such documents or books and that the average number of pages in each complete documer or book is 150. If 30 copies are made of each page of each of such books or documents, the total number of pages to be reproduced will be 4,500,000.

/(2) That

PURL: http://www.legal-tools.org/doc/9ae407/

(2) That the Rule as proposed by the Prosecution will, it is respectfully submitted, meet all necessary requirements for a just trial.

(SGD.) CARLISLE HIGGINS
for Chief of Counsel.

TO -

The General Secretary to the International Military Tribunal for the Far East,

AND TO -

The abovenamed Defendants.

PURL: http://www.legal-tools.org/doc/9ae407/

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST.

No. 1.

THE UNITED STATES OF AMERICA AND ORS. Prosecutors,

- AGAINST -

ARAKI, Sadao, AND ORS. Defendants.

NOTICE OF MOTION.

The day of June, 1946.

TAKE NOTICE that the International Military Tribunal for the Far East will with the leave of the said Tribunal be moved by Counsel on behalf of the abovenamed Prosecutors at o'clock in the noon of the day of June, 1946 -

(1) for an order that Rule 6(b)(1) of the Rules of the said Tribunal be amended to read as follows:-

"(b) Except as otherwise provided by the Tribunal:

(1) A copy of every document the whole of which is intended to be adduced in evidence by the Prosecution or the Defense will be delivered to the accused concerned or his counsel, or to the Prosecution, as the case may be, and also to the officer in charge of the Language Section of the Secretariat of the Tribunal, together with a translation thereof into English or Japanese as the case may be not less than twenty-four hours before such document is to be tendered in evidence. In case a part or parts only of a document are intended to be adduced in evidence by the Prosecution or the Defense, a copy of such part or parts, accompanied by a translation thereof into English or Japanese as the case may be shall be delivered to the accused concerned or his counsel

/or

or to the Prosecution as the case may be and also to the officer in charge of the Language Section of the Secretariat of the Tribunal, not less than twenty-four hours before such part or parts of such document are to be tendered in evidence. In case a part or parts only of a document is to be tendered in evidence a copy of the whole of the original document from which such part or parts were taken shall be filed with the Secretariat of the Tribunal not less than twenty-four hours before such part or parts are tendered in evidence. Such document shall be retained by the Secretariat for the inspection of all persons concerned. If the document is in a language other than English or Japanese, it shall be sufficient for the purpose of this provision if a translation into English, or Japanese, as the case may be, of such document, or such part or parts, is delivered to the Prosecution or the accused concerned or his counsel, and to such officer."; and

(2) for such other or further order as to the said Tribunal may seem meet.

(SGD.) CARLISLE HIGGINS
for the Chief of Counsel.

TO -

The General Secretary to the
International Military Tribunal for the Far East,

AND TO -

The abovenamed Defendants.

PURL: http://www.legal-tools.org/doc/7dd4ba/

EX. COPIES

Paper No. 223
Disposes of Oral
Motion in Open Court.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	)	ORDER,
	)	DISCHARGING MATSUOKA,
- vs -	)	YOSUKE, FROM THE
	)	INDICTMENT.
ARAKI, Sadao, et al	)	

This matter coming on to be heard by the Tribunal, in Open Court, on 27 June 1946, upon the oral application of the Defense for an order discharging the accused MATSUOKA, Yosuke, from the Indictment by reason of the death of the said MATSUOKA, Yosuke, at the Tokyo Imperial University Hospital in the City of Tokyo, Japan, at 0240 hours on 27 June 1946, and

The Tribunal, being fully advised in the premises, it is the decision of a majority of the Justices of the Tribunal, and

ORDERED:

That the Indictment against the accused, MATSUOKA, Yosuke, is discharged. His name is stricken from the Indictment and from the list of the accused, and it is further

ORDERED:

That the remains of said MATSUOKA may be turned over to his family, subject to the approval and any requirements of the Supreme Commander.

Dated at Tokyo, Japan, this 27 June 1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb
PRESIDENT

SITTING ALL OF THE JUSTICES:
Mr. Justice Webb, President of the Tribunal
Mr. Justice Northcroft
Lord Patrick
Mr. Justice Mei
Major General and Justice I. M. Zaryanov
Mr. Justice Higgins
Mr. Justice McDougall
Mr. Justice Bernard
Mr. Justice Roling
Mr. Justice Pal
Mr. Justice Jarnilla

PURL: http://www.legal-tools.org/doc/4a09c0/

EX COPIES

Paper No. 229
Disposes of
Paper No. 215

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	ORDER,
- vs -	GRANTING, WITH MODIFICATIONS, THE APPLICATION OF PROSECUTION, TO DISPENSE WITH RULE 6(b)(1) OF THE RULES OF PROCEDURE IN CERTAIN INSTANCES.
ARAKI, Sadao, et al	

This matter coming on to be heard by the Tribunal, in Open Court, on 27 June 1946, upon the application, in behalf of the Prosecution, for an order to dispense with full compliance with Rule 6(b)(1) of the Rules of Procedure of the International Military Tribunal of the Far East with respect to certain documents, set forth in four numbered paragraphs therein, and permit excerpts therefrom to be offered in evidence, without translation of the entire principal document, and

The Tribunal being fully advised in the premises, it is the decision of a majority of the Justices of the Tribunal, and

ORDERED: That the application be granted; with the modification that the whole of OKAWA's testimony, including cross-examination, must be furnished the Defense. All the original principal documents must be recorded and available in the Registry of the Tribunal in ample time to enable Counsel for the Defense to peruse them.

Dated at Tokyo, Japan, this 27 June 1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb
PRESIDENT

SITTING ALL OF THE JUSTICES:
Mr. Justice Webb, President of the Tribunal
Mr. Justice Northcroft
Lord Patrick
Mr. Justice Mei
Major General and Justice I. M. Zaryanov
Mr. Justice Higgins
Mr. Justice McDougall
Mr. Justice Bernard
Mr. Justice Roling
Mr. Justice Pal
Mr. Justice Jarnilla

PURL: http://www.legal-tools.org/doc/436f24/

MO #27
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INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA, et al.)
)
- AGAINST -)
)
ARAKI, SADAO, et al.)

APPLICATION UNDER RULE 6 (b)(1) OF THE RULES OF PROCEDURE OF THE INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST.

The day of June, 1946.

The abovementioned prosecutors apply to the International Military Tribunal for the Far East for an order dispensing with compliance with Rule 6(b)(1) of the Rules of Procedure of the International Military Tribunal for the Far East with respect to the document hereunder described, excerpts from which the said prosecutors desire to offer in evidence before the said Tribunal and for such further or other order as to the said Tribunal may seem meet.

Said document is entitled "The Way of a Subject", being Prosecution Document Number 1675 and Exhibit Number 141, said document being a book consisting of one hundred pages issued by the Ministry of Education in March 1941 for distribution to teachers and students in the Japanese schools and for general distribution to the Japanese public. It is desired to read into evidence certain excerpts from this book, copies of which have heretofore been submitted to the Defense, the book itself being placed in evidence for use by the Defense. The excerpts taken from said book will consist of approximately ten pages, said excerpts being offered for the purpose of proving the type of propaganda used in the Japanese schools, and with the Japanese public alike, in preparation for future wars.

This book is the only one in existence, all others having been destroyed by order of the Ministry of Education at the termination of the Pacific War and it would require ten days and approximately ten thousand sheets of paper to duplicate the same.

PURL: http://www.legal-tools.org/doc/2b0807/

If this application is granted, no hardship would be inflicted upon the Defense as the book which has heretofore been introduced into evidence would be available to all defense counsel for such examination as they care to make. No hardship would be inflicted upon the defense counsel in connection with cross-examination of the person identifying the book for his testimony on this point was merely that the book had been published by the Ministry of Education in March 1941, had been distributed to teachers, students and the public alike and that as Minister of Education, upon termination of the Pacific War he had ordered the same destroyed.

s/ CARLISLE W. HIGGINS

t/ CARLISLE HIGGINS
Acting Chief of Counsel

TO -

The General Secretary,
International Military Tribunal for the Far East,

AND TO -

The Defendants.

PURL: http://www.legal-tools.org/doc/2b0807/

EX COPIES

Paper No. 239
Disposes of
Paper No. 222

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	ORDER, GRANTING THE APPLICATION OF PROSECUTION TO WAIVE RULE 6(b)(1) OF THE RULES OF PROCEDURE IN SEVEN ENUMERATED INSTANCES.
- vs -	
ARAKI, Sadao, et al	

This matter coming on to be heard by the Tribunal, in Open Court, on 28 June 1946, upon the application, in behalf of the Prosecution, for an order to waive the requirements of Rule 6(b)(1) of the "Rules of Procedure of the International Military Tribunal for the Far East," with respect to certain documents, set forth in seven numbered paragraphs therein, and permit excerpts therefrom to be introduced in evidence and copies of such excerpts only, to be served upon Counsel for the accused, and

The Tribunal being fully advised in the premises, it is the decision of a majority of the Justices of the Tribunal, and

ORDERED: That the application as to each of the seven numbered paragraphs be granted; with the modification that all the original principal documents must be recorded and available in the Registry of the Tribunal in ample time to enable Counsel for the Defense to peruse them.

Dated at Tokyo, Japan, this 28 June 1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb
PRESIDENT

SITTING ALL OF THE JUSTICES:
Mr. Justice Webb, President of the Tribunal
Mr. Justice Northcroft
Lord Patrick
Mr. Justice Mei
Major General and Justice I. M. Zaryanov
Mr. Justice Higgins
Mr. Justice McDougall
Mr. Justice Bernard
Mr. Justice Roling
Mr. Justice Pal
Mr. Justice Jarnilla

PURL: http://www.legal-tools.org/doc/0d4214/

Paper No. 222

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

No. 1

THE UNITED STATES OF AMERICA, et al — Prosecutors

- AGAINST -

ARAKI, Sadao, et al — Defendants.

NOTICE OF HEARING ON PETITION

TO THE ATTORNEYS FOR THE ACCUSED.

Please take notice that the attached petition will be brought on for hearing before the International Military Tribunal for the Far East at a date and place to be set by said Tribunal.

(SGD.) CARLISLE HIGGINS

For the Chief of Counsel

Dated: 27 June 1946

This Section of the Prosecution plans to introduce only approximately four pages in Volume 1.

PURL: http://www.legal-tools.org/doc/68870c/

Paper No.____.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

No. 1

THE UNITED STATES OF AMERICA, et al. Prosecutors

- AGAINST -

ARAKI, Sadao, et al. Defendants

APPLICATION FOR PERMISSION TO FILE AND SERVE EXCERPTS INSTEAD OF ENTIRE DOCUMENTS

Now come the above mentioned Prosecutors and request this Honorable Tribunal to waive the requirements of Rule 6 b(1) of the "Rules of Procedure of the International Military Tribunal for the Far East," requiring the service of a large number of complete documents upon the Opposition, and to permit the Prosecution to introduce in evidence and serve upon attorneys for the Accused copies of excerpts only (in both Japanese and English) from the following named documents for the reasons hereinafter stated:

1. Exhibit 58, Basic Document entitled, "Papers Relating to the Foreign Relations of the United States-Japan, 1931-1941 (in two volumes)."

This document consists of two volumes containing 1922 pages of miscellaneous telegrams and reports to and from the State Department of the United States, and each telegram or report is a separate and distinct document in itself, frequently unrelated to the other telegrams and reports. There are not sufficient copies available to comply with the present rule, and it is doubtful that they can be obtained. This Section of the Prosecution plans to introduce only approximately four pages in Volume 1.

PURL: http://www.legal-tools.org/doc/aff371/

2. IPS Document No. 2007, being Volume 7 of a 67-volume set containing 13,708 pages, entitled "Report of Proceedings of the Hearing Held Before the Joint Committee on the Investigation of the Pearl Harbor Attack" is written in English.

This document is a typewritten transcript of the proceedings before the Investigating Committee and additional copies are not available anywhere at this time. Volume 7 contains 190 pages and this Section of the Prosecution plans to introduce only approximately five pages.

3. IPS Document No. 490, book by HASHIMOTO, Kingoro, entitled "The Road to the Reconstruction of the World" containing 237 pages is printed in Japanese.

There is only one copy of this book available to the Prosecution and less than three pages will be introduced in evidence. They will be offered to show that HASHIMOTO claimed that in 1930 he planned Japan's course of aggression.

4. IPS Document No. 1632, commonly known as "Kido's Diary", is the original diary kept by KIDO, Koichi, and consists of 5425 pages.

Being an original handwritten document, only the original is available. One photostatic copy has been made, and in doing that, all the available photostat paper in Japan was used. This Section of the Prosecution wishes to introduce only 18 excerpts averaging approximately one page each.

5. IPS Document No. 485, book by MATSUOKA, Yoshuke, entitled "Changing Manchuria and Mongolia", published in July 1931, containing approximately 250 pages, is printed in Japanese.

PURL: http://www.legal-tools.org/doc/aff371/

There is only one copy of this book available to the Prosecution, and this Section plans to introduce less than two pages.

6. IPS Document No. 2135, is a bound volume of issues of the Japan Times for July and August, 1931. This document is printed in English and contains all the issues of this newspaper for a two-months' period.

This Section plans to introduce only one news item from one issue of this volume.

7. IPS Document 1777. This is a Japanese Year Book for 1937 printed in English, containing 1230 pages.

This is the only copy available to the Prosecution, and this Section plans to introduce only two paragraphs from this book.

This petition is presented for, and in behalf of, that Section of the Prosecution staff presenting the phase of the case known as "Manchurian Aggression" and is the next section scheduled to appear before the Tribunal to present its proof.

Your petitioners respectfully submit that this procedure is in no way prejudicial to the Accused, as each Defendant is represented by able Counsel, many of whom read and speak both the Japanese and English languages, and most of the Accused are represented by both a Japanese and an English speaking attorney.

Many thousands of pages of the documents to be introduced by this Section and covered by this petition will never be used by either the Prosecution or the Defense and their reproduction or translations would require a needless and inexcusable expenditure of time and money.

PURL: http://www.legal-tools.org/doc/aff371/

Your petitioners, therefore, pray for the granting of this petition, or for such other or further relief as shall seem just and proper to this Honorable Tribunal.

Respectfully submitted,

_____
For the Chief of Counsel

Dated: June 27, 1946

PURL: http://www.legal-tools.org/doc/aff371/

EX COPIES

Paper No. 240
Disposes of Oral
Motion in Open Court.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	ORDER,
	GRANTING ORAL MOTION FOR
- vs -	FURTHER MEDICAL EXAMINATION
	OF SHUMEI OKAWA.
ARAKI, Sadao, et al	

This matter coming on to be heard by the Tribunal in Open Court on 28 June 1946, upon the oral application of Counsel for the accused Shumei OKAWA, for further medical examination with a view to ascertaining whether his mental condition is temporary or permanent, and

The Tribunal, being fully advised in the premises, it is the decision of a majority of the Justices of the Tribunal, and

ORDERED: That the oral motion of the accused be and the same is hereby granted, and that the said accused Shumei OKAWA be medically examined by two psychiatrists, one to be appointed by the Prosecution and the other by the Attorneys for the accused OKAWA, and that immediately after said examination the said psychiatrists shall file their reports with the President of this Tribunal.

Dated at Tokyo, Japan, this 28 June 1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb
PRESIDENT

SITTING ALL OF THE JUSTICES:
Mr. Justice Webb, President of the Tribunal
Mr. Justice Northcroft
Lord Patrick
Mr. Justice Mei
Major General and Justice I. M. Zaryanov
Mr. Justice Higgins
Mr. Justice McDougall
Mr. Justice Bernard
Mr. Justice Roling
Mr. Justice Pal
Mr. Justice Jarnilla

PURL: http://www.legal-tools.org/doc/25c249/

EX. COPIES

Paper No. 241
Disposes of
Paper No. 201

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	ORDER GRANTING
	MOTION OF THE
- vs -	PROSECUTION TO
	AMEND RULE 6(b)(1)
ARAKI, Sadao, et al	

This matter coming on to be heard in Open Court by the Tribunal, on 25 June 1946, upon the motion of the Prosecution to amend Rule 6(b)(1) of the Rules of Procedure of the International Military Tribunal for the Far East.

The Tribunal having heard the arguments of Counsel and being fully advised in the premises, it is the decision of a majority of the Justices of the Tribunal, and

ORDERED: That said motion be granted only in part, in that on application to any Member of the Tribunal in Chambers, the rule might be lifted, and in a particular case that a document need not be fully published translated, as required by Rule 6(b)(1).

Dated at Tokyo, Japan, this 25 June 1946.

BY THE TRIBUNAL:

(Sgd.) W. F. WEBB
PRESIDENT

PURL: http://www.legal-tools.org/doc/7bdca6/

Paper No. 252
Disposes of
Paper No. 238

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA et al	) ORDER, DENYING THE
	) APPLICATION OF
- vs -	) PROSECUTION TO TAKE
	) EVIDENCE BEFORE A
ARAKI, Sadao; et al	) COMMISSIONER

This matter coming on to be heard in Open Court by the Tribunal, on 2 July 1946, upon the Application of the Prosecution for an order to take the evidence of three witnesses from China before a Commissioner, as authorized by Section 11, Subsection "e" of the Charter, and

The Tribunal being fully advised in the premises, it is the decision of a majority of the Justices of the Tribunal, and

ORDERED: That the Application be denied. The Members of the Tribunal will take out of turn, the said evidence themselves, in Open Court, on Monday, 8 July 1946.

Dated at Tokyo, Japan, this 2 July 1946.

BY THE TRIBUNAL:

(Signed) W. F. WEBB
PRESIDENT

JUSTICES SITTING:
Mr. Justice Webb, President of the Tribunal
Mr. Justice Northcroft
Lord Patrick
Mr. Justice Mei
Major General of Justice I. M. Zaryanov
Mr. Justice Higgins
Mr. Justice McDougall
Mr. Justice Bernard
Mr. Justice Roling
Mr. Justice Pal

PURL: http://www.legal-tools.org/doc/61a1a7/

Paper No. 254
Disposes of
Papers No. 200
and 226.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	) ORDER, ON REQUEST OF
	) THE ACCUSED HATA,
- vs -	) SHUNROKU, FOR THE PRODUC-
	) TION OF A WITNESS, AND
ARAKI, Sadao; et al	) SUPPLEMENT THERETO

This matter coming on to be heard before Mr. Justice Webb, President of the Tribunal, on the request of the accused HATA, Shunroku, for the production of a witness pursuant to Section XII, Article 9, Subsection "e" of the Charter of the International Military Tribunal for the Far East, dated 26 April 1946, and Supplement thereto, and after hearing arguments of Counsel for the accused, and Counsel for the Prosecution Section, the Tribunal being fully advised, it is

ORDERED: That said request of said accused be and the same is hereby granted, and that summons be issued pursuant to said request returnable forthwith.

Dated at Tokyo, Japan, this 1 July 1946.

BY THE TRIBUNAL:

PRESIDENT

PURL: http://www.legal-tools.org/doc/39c168/

Paper No. 269
Disposes of
Paper No. 149

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	ORDER,
	ON APPLICATION OF
- vs -	HIROTA, KOKI, FOR
	LEAVE TO FILE
ARAKI, Sadao; et al	MOTION.

This matter coming on to be heard before Mr. Justice Webb, President of the Tribunal, on the Application of the accused HIROTA, Koki, for leave to file a motion to quash certain counts and parts of the indictment filed 3 May 1946, and after hearing arguments of counsel for the Accused, and counsel for the Prosecution Section, and the Tribunal being fully advised in the premises, it is

ORDERED: That said Application be refused; and that the Defendant's exceptions hereto be saved.

Dated at Tokyo, Japan, this 5 July 1946.

BY THE TRIBUNAL:

(Signed) W. F. WEBB
PRESIDENT

PURL: http://www.legal-tools.org/doc/de58f1/

MO 22

EX

Paper #149

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

Case No. 1

MOTION No. _____

THE UNITED STATES OF AMERICA, et al,

vs.

ARAKI, Sadao, et al, Defendants.

APPLICATION OF HIROTA, Koki, FOR LEAVE TO FILE THE ANNEXED MOTION TO QUASH CERTAIN COUNTS AND PARTS OF THE ALLEGED INDICTMENT FILED 3 May, 1946.

Now comes the defendant, Hirota, Koki, by his duly appointed attorneys of record, and moves The Honorable, The International Military Tribunal for the Far East, to grant leave to file the annexed motion to quash certain counts and parts of an alleged indictment filed with the Tribunal on 3 May 1946.

HIROTA, Koki
By

/s/ Tadashi Hanai
Tadashi Hanai
Japanese Counsel

/s/ David F. Smith
David F. Smith
American Counsel

To:

The International Military Tribunal for the Far East;

And to:

The General Secretary Thereof.

PURL: http://www.legal-tools.org/doc/d81b44/

149
A

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

Case No. 1

MOTION No. _____

THE UNITED STATES OF AMERICA, et al,

vs.

ARAKI, Sadao, et al, Defendants.

MOTION OF HIROTA, Koki, TO QUASH CERTAIN COUNTS AND PARTS OF THE INDICTMENT.

Now comes the defendant, Hirota, Koki, by his duly appointed attorneys of record, and moves the Honorable, The International Military Tribunal for the Far East, to quash the certain hereinafter described counts and parts of the alleged indictment heretofore filed with the Tribunal on 3 May 1946. The portions of the indictment sought to be quashed are:

1. Counts 1 to 17, inclusive, and the alleged preamble to such counts;
2. Counts 19 to 25, inclusive;
3. Counts 27 to 35, inclusive;
4. Counts 37 to 47, inclusive, and the alleged preamble to such counts; and
5. Count 52.

1.

The indictment was prepared and filed by a large group of prosecutors representing eleven sovereign governments. The prosectors were appointed by General MacArthur, acting in his capacity as Supreme Commander, Allied Powers for the Far East. General MacArthur has not heretofore been authorized or

PURL: http://www.legal-tools.org/doc/4fabde/

empowered by the Constitution or any law of the United States to appoint prosecutors representing the United States of America and the Commonwealth of the Philippines to an International Prosecution Staff, or to associate or pool American interests and powers in a military prosecution, and his authority to appoint any military tribunal was limited solely to the appointment of an American military court or commission.

II.

The action of General MacArthur in accepting an office and place of trust from foreign sovereign governments and undertaking to appoint prosecutors to such International Prosecution Staff to represent such foreign governments was and is in violation of Article 1, Section 9, Clause 8 of the Constitution of the United States of America, which reads in part: "And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince or foreign State," and of Article 1, Section 8, Clause 14 of the Constitution of the United States of America which provides that the Congress has the sole power "To make Rules for the Government and Regulation of the land and naval forces" of the United States of America.

III.

The indictment was prepared and lodged with the Court by a body of prosecutors acting entirely without the support and sanction of any body of law in the world.

PURL: http://www.legal-tools.org/doc/4fabde/

IV.

And for other matters appearing on the face of the indictment to be argued.

HIROTA, Koki,
By

/s/ Tadashi Hanai
Tadashi Hanai
Japanese Counsel

/s/ David F. Smith
David F. Smith
American Counsel

To:

The International Military Tribunal for the Far East;

And to:

The General Secretary Thereof.

PURL: http://www.legal-tools.org/doc/4fabde/

Paper No. 272
Disposes of
Paper No. 242

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	ORDER:
	GRANTING APPLICATION OF
- vs -	PROSECUTION TO WAIVE
	RULE 6 (b)(1) IN A
ARAKI, Sadao, et al	PARTICULAR INSTANCE

This matter coming on to be heard on the third day of July 1946 before Mr. Justice Webb, President of the Tribunal, upon the application of the Prosecution for an order dispensing with compliance with Rule 6(b)(1) of the Rules of Procedure of the International Military Tribunal for the Far East with respect to a certain document entitled "The Way of a Subject", being Prosecution document No. 1675 and exhibit No. 141, and permit excerpts therefrom to be introduced into evidence, and after hearing the arguments of Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That the application be granted, and that the objections of the defendants hereto be saved.

Dated at Tokyo, Japan, this 3 July 1946.

BY THE TRIBUNAL:

(Signed) W. F. WEBB
PRESIDENT

PURL: http://www.legal-tools.org/doc/115021/

Paper No. 275
Disposes of
Paper No. 251

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al
- vs -
ARAKI, Sadao; et al

) ORDER GRANTING
) APPLICATION OF THE
) PROSECUTION TO WAIVE
) RULE 6(b)(1) IN CERTAIN
) ENUMERATED INSTANCES

This matter coming on to be heard before Mr. Justice Webb, President of the Tribunal, upon the Application of the Prosecution for an Order dispensing with the compliance of the requirements of Rule 6(b)(1) of the Rules of Procedure of the International Military Tribunal for the Far East, with respect to certain depositions and documents set forth in said Application as Prosecution Document Nos. 6022, 6024, 6019, 6020, 6023, 6025, 6026, 6021, 6017, 6027, 6018, 6013, 6001, 6002, 6012, 6014, 6015, 6016, 6030, 6032, 6031, 6029, 6010, 6011, and 6028, and permit excerpts therefrom to be introduced in evidence, and after hearing the arguments of counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That the Application as to each of the enumerated depostions and documents be granted; and that all of the original principal depositions and documents must be recorded and available in the Registry of the Tribunal in ample time to enable counsel for the Defense to inspect and peruse them; and that the objections of the Defendants hereto be saved.

Dated at Tokyo, Japan, this 5 July 1946.

BY THE TRIBUNAL:

(Signed) W. F. WEBB
PRESIDENT

PURL: http://www.legal-tools.org/doc/0fc94e/

Paper No. 293
Disposes of
Paper No. 264

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al - vs - ARAKI, Sadao, et al	ORDER, ON APPLICATION OF PROSECUTION UNDER RULE 6(B) (1) OF THE RULES OF PROCEDURE

This matter coming on to be heard before Mr. Justice Webb, President of the Tribunal, on the application of the Prosecution under Rule 6(b)(1) of the Rules of Procedure of the International Military Tribunal for the Far East, dated 5 July 1946, and after hearing arguments of Counsel for the Prosecution and Counsel for the Defense, the Tribunal being fully advised, it is

ORDERED: That said application be and the same is hereby granted.

Dated at Tokyo, Japan, this 16 July 1946.

BY THE TRIBUNAL:

/s/ W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/1a2245/

Paper No. 294
Disposes of
Paper No. 246

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1.

THE UNITED STATES OF AMERICA, et al	) ORDER, ON APPLICATION OF
	) THE PROSECUTION UNDER
- vs -	) RULE 6(B)(1) OF THE
	) RULES OF PROCEDURE
ARAKI, Sadao, et al	)

This matter coming on to be heard before Mr. Justice Webb, President of the Tribunal, on the application of the Prosecution under Rule 6(b)(1) of the Rules of Procedure of the International Military Tribunal for the Far East, dated 1 July 1946, and after hearing arguments of Counsel for the Prosecution and Counsel for the Defense, the Tribunal being fully advised, it is

ORDERED: That the Prosecution be permitted to withdraw the said application.

Dated at Tokyo, Japan, this 16 July 1946.

BY THE TRIBUNAL:

/s/ (W. F. Webb)
PRESIDENT

PURL: http://www.legal-tools.org/doc/38df42/

Paper No. 295
Disposes of
Paper No. 286

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	) ORDER,
	) (1) GRANTING ALL DEFENDANTS
- vs -	) LEAVE TO FILE APPLICA-
	) TION
ARAKI, Sadao, et al	) (2) GRANTING SAID APPLICA-
	TION - INTERROGATIONS
	TO RE FILED IN REGISTRY.

This matter coming on to be heard before Mr. Justice Webb, President of the Tribunal, on

(1) Application of all remaining defendants for leave to file the attached application for an order requiring the Prosecution to furnish to each defendant a true copy of all interrogations and statements obtained from such defendant;

(2) (Attached to the above application) Several application by all remaining defendants for an order requiring the Prosecution to furnish to each defendant a true copy of all interrogations and statements made by each said defendant,

and after hearing the arguments of Counsel for the Defense and Counsel for the Prosecution, the Tribunal being fully advised, it is

ORDERED: (1) That leave is GRANTED to file the said application, and it is

ORDERED: (2) That several application by all remaining defendants for an order requiring the Prosecution to furnish to each defendant a true copy of all interrogations and statements made by each said defendant, be and the same is hereby GRANTED, in that the Prosecution shall file a copy of the whole of the interrogations or of the statements obtained from the defendants with the Registry of the Tribunal, and it is further

ORDERED: (3) That the said interrogations or statements may be temporarily withdrawn by the Defense Counsel upon the filing by them with the Clerk of the Court the written receipt of Lt. Comdr. E. R. Harris, Administrative Officer for the Defense,

PURL: http://www.legal-tools.org/doc/4968dd/

who shall at all times retain custody thereof.

Dated at Tokyo, Japan, this 16 July 1946.

BY THE TRIBUNAL:

/s/ (W. F. Webb)
President

PURL: http://www.legal-tools.org/doc/4968dd/

Paper No. 296
Disposes of
Paper No. 284

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	) ORDER, GRANTING THE REQUEST
	) OF DEFENDANT UMEZU,
- vs -	) YOSHIJIRO, FOR PRODUCTION
	) OF WITNESSES.
ARAKI, Sadao, et al	)

This matter coming on to be heard before Mr. Justice Webb, President of the Tribunal, on request of the defendant UMEZU, YOSHIJIRO, for production of witnesses, and after hearing arguments of Counsel for the Accused and Counsel for the Prosecution Section, the Tribunal being fully advised, it is

ORDERED: That the said request be and the same is hereby granted.

Dated at Tokyo, Japan, this 16 July 1946.

BY THE TRIBUNAL:

/s/ W. F. WEBB
PRESIDENT

PURL: http://www.legal-tools.org/doc/382221/

284

INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST

- 1 -

THE UNITED STATES OF AMERICA, et al

- VS -

ARAKI, Sadao, et al

- Defendants -

REQUEST FOR PRODUCTION OF WITNESSES

NOW COMES UMEZU Yoshijiro and requests the Tribunal, in accordance with Article 9(e) of the Charter, to order the production of the following witnesses necessary to his defense:

1. Lieutenant General HATA Hikozaburo (also known as HADA Hikozaburo)

a. The nationality of the witness is Japanese;

b. The address of the witness is unknown; his last official position was Chief of Staff of the Kwantung Army, and he was last reported as having surrendered to the Russian forces in Manchuria on or about 20 August 1945;

c. The facts to be proved by this witness are the policies, utterances and actions of the defendant UMEZU during the period that the witness was Chief of Staff of the Kwantung Army, of which the defendant UMEZU was Commander-in-Chief;

d. The relevance of the witness' testimony is in its tendency to establish that the defendant UMEZU took no part in any of the conspiracies alleged in the indictment, and was not responsible for the planning, initiating or waging of wars of aggression;

PURL: http://www.legal-tools.org/doc/32bf75/

e. The date upon which the attendance of the witness will be required to testify cannot be stated accurately; but his attendance for consultation with counsel is required forthwith;

2. Major General YAMAMOTO Moichiro (known also as YAMAMOTO Shigeichiro)

a. The nationality of the witness is Japanese.

b. The address of the witness is unknown; the last official position was Chief of Staff of the 16th Army in Java;

c. The facts to be proved by this witness are the policies, utterances and actions of the defendant UMEZU during the period that the witness was Secretary to the said defendant who was then Vice-Minister of War;

d. The relevance of the witness' testimony is in its tendency to establish that the defendant UMEZU took no part in any of the conspiracies alleged in the indictment and was not responsible for the planning, initiating or waging of wars of aggression;

e. The date upon which the attendance of witness will be required cannot be stated accurately; but his attendance for consultation with counsel is required forthwith;

3. Major General MATSUMURA Tomokatsu.

a. The nationality of the witness is Japanese;

b. The last official position of witness was Vice-Chief of Staff of the Kwantung Army and he is now believed to be a prisoner of war of the Russian forces in Manchuria;

PURL: http://www.legal-tools.org/doc/32bf75/

c. The facts to be proved by this witness are the policies, utterances and actions of the defendant UMEZU during the period that the witness was Chief of Operations Section of the staff of the Kwantung Army;

d. The relevance of the witness' testimony is in its tendency to establish that the defendant UMEZU took no part in any of the conspiracies alleged in the indictment and was not responsible for the planning, initiating or waging of wars of aggression;

e. The date upon which the attendance of witness will be required cannot be stated accurately; but his attendance for consultation with counsel is required forthwith;

4. Lieutenant General KASAHARA Yukio;

a. The nationality of the witness is Japanese;

b. The last official position of witness was commanding general of the 11th Army, and he is believed to be a prisoner of war of the Chinese forces;

c. The facts to be proved by this witness are the policies, utterances and actions of the defendant UMEZU during the period that the witness was Chief of Staff to the Kwantung Army, of which the defendant UMEZU was Commander-in-Chief;

d. The relevance of the witness' testimony is in its tendency to establish that the defendant UMEZU took no part in any of the conspiracies alleged in the indictment and was not responsible for the planning, initiating or waging of wars of aggression;

PURL: http://www.legal-tools.org/doc/32bf75/

e. The date upon which the attendance of witness will be required cannot be stated accurately; but his attendance for consultation with counsel is required forthwith;

5. Lieutenant General IIDA Shojiro;

a. The nationality of the witness is Japanese;

b. The last official position of witness was commanding general of the 3rd Army, and he is believed to be a prisoner of war of the Russian forces in Manchuria;

c. The facts to be proved by this witness are the policies, utterances and actions of the defendant UMEZU during the period that the witness was Chief of Staff to the Kwantung Army, of which the defendant UMEZU was Commander-in-Chief;

d. The relevance of the witness' testimony is in its tendency to establish that the defendant UMEZU took no part in any of the conspiracies alleged in the indictment and was not responsible for the planning, initiating or waging of wars of aggression;

e. The date upon which the attendance of witness will be required cannot be stated accurately; but his attendance for consultation with counsel is required forthwith.

UMEZU Yoshijiro

by

MIYAKE Shotaro

Ben Bruce Blakeney
Major, AC
His Counsel

PURL: http://www.legal-tools.org/doc/32bf75/

Paper No. 297
Disposes of
Paper No. 292

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	) ORDER,
	) (1) GRANTING PROSECUTION
- vs -	) LEAVE TO FILE APPLICA-
	) TION
ARAKI, Sadao, et al	) (2) GRANTING APPLICATION TO WITHDRAW EXHIBITS.

This matter coming on to be heard before Mr. Justice Webb, President of the Tribunal, on the following:

(1) Application of the Prosecution for leave to file the within application dated the 15 day of July 1946;

(2) Application for leave temporarily to withdraw certain exhibits dated the 15 day of July 1946;

and after hearing the arguments of Counsel for the Prosecution Section and the Counsel for the Defense Section, the Tribunal being fully advised, it is

ORDERED: (1) That leave is granted to file the said application, and it is

ORDERED: (2) That application of the Prosecution for leave temporarily to withdraw certain exhibits be and the same is hereby GRANTED, and the Clerk of the Court is hereby authorized to deliver from the Registry of the Tribunal such exhibits and documents as the Prosecution or the Defense Section shall require for its use during the course of the proceedings; and it is further

ORDERED: That the said exhibits shall be delivered by the Clerk only upon the written receipt of the following:

Prosecution Section	Defense Section
Capt. George C. Salmons or Lt. Joe B. Alexander	Lt. Comdr. E. R. Harris, USNR

Dated at Tokyo, Japan, this 16 July 1946.

BY THE TRIBUNAL:

/s/ W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/32bf75/

Paper No. 298
Disposes of
Paper No. 291

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	) ORDER,
	) (1) GRANTING PROSECUTION
- vs -	) LEAVE TO FILE APPLICA-
	) TION
ARAKI, Sadao, et al	) (2) DENYING APPLICATION TO WITHDRAW EXHIBITS NOS. 148A to 148M "JAPAN IN TIME OF EMERGENCY"

This matter coming on to be heard before Mr. Justice Webb, President of the Tribunal, on the following:

(1) Application of the Prosecution for leave to file the within application dated the 15 day of July 1946;

(2) Application of Prosecution under Rule 6(b)(1) of the Rules of Procedure of the International Military Tribunal for the Far East dated the 15 day of July 1946;

and after hearing the arguments of Counsel for the Prosecution Section and the Counsel for the Defense Section, the Tribunal being fully advised, it is

ORDERED: (1) That leave is GRANTED to file the said application; and it is

ORDERED: (2) That application of Prosecution under Rule 6(b)(1) of the Rules of Procedure of the International Military Tribunal for the Far East dated the 15 day of July 1946 be and the same is hereby DENIED.

Dated at Tokyo, Japan, this 16 July 1946.

BY THE TRIBUNAL:

/s/ W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/4f8ddc/

Paper No. 339
Disposes of
Paper No. 307

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	) ORDER,
	) GRANTING APPLICATION OF THE
- vs -	) PROSECUTION TO WAIVE RULE
	) 6(B)(1) IN RESPECT TO
ARAKI, Sadao; et al	) PROSECUTION DOCUMENTS 1744 AND 1906

This matter coming on to be heard before Mr. Justice Webb, President of the Tribunal, upon the application of the Prosecution for leave to waive compliance with the provisions of Rule 6(b)(1) of the Rules of Procedure of the International Military Tribunal for the Far East in respect to Prosecution Section documents numbered 1744 and 1906 and permit the Prosecution to file with the Court the original documents, and to introduce in evidence and serve upon the attorneys for the accused, copies of excerpts therefrom in both Japanese and English, and after hearing the arguments of counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That the application as to Prosecution Section documents numbered 1744 and 1906 be granted; and it is further ordered, that the Prosecution shall also prepare and furnish to counsel for the accused, copies of additional documents, as excerpts from document numbered 1906, in both Japanese and English, enumerated as follows:

1. Enclosure No. 4 to despatch No. 1142 of C. E. Gauss, American Consul General at Shanghai, China, dated January 5, 1938, on the subject: "Flag Incident at Wuhu and Conditions there and in Nanking after the Japanese Occupation."

   Copy of letter dated December 17, 1937, from the Rev. L. R. Craighill to Mr. Gilmore, received December 22, 1937.

2. Cable dated January 20, 1938 from Mr. C. E. Gauss, to AMEMBASSY, Peiping, Nanking, Hankow.

3. Enclosure No. 1 to Report entitled "Conditions in Nanking", dated January 25, 1938. Letter from Lewis S. C. Smythe to Mr. Tokuyasu Fukuda, Attache to the Japanese Embassy, Nanking, dated December 16, 1937.

PURL: http://www.legal-tools.org/doc/43c78d/

4. Enclosure No. 1-f to Report entitled "Conditions in Nanking", dated January 25, 1938. Letter to the Imperial Japanese Embassy, Nanking, from International Committee for Nanking Safety Zone, signed Lewis S. C. Smythe, dated December 26, 1937.

5. Enclosure No. 1-g to Report entitled "Conditions in Nanking", dated January 25, 1938. Letter to the Imperial Japanese Embassy, Nanking, from International Committee for Nanking Safety Zone, signed Lewis S. C. Smythe, dated December 30th, 1937.

6. Letter to Mr. Tokuyasu Fukuda, Attache to the Japanese Embassy, Nanking, from International Committee for Nanking Safety Zone, signed John H. D. Rabe, Chairman, dated December 15, 1937.

7. Sub-enclosure No. 1, Enclosure No. 8-10, letter to Mr. Tokuyasu Fukuda, Japanese Embassy, Nanking, from H. D. Rabe, dated January 7, 1937.

8. Cable dated January 27, 1938 to AMEMBASSY, HANKOW; SECSTATE, WASHINGTON; AMEMBASSY, PEIPING; AMCONSUL, SHANGHAI, signed Allison.

9. Cable dated February 1, 1938 to AMEMBASSY, NANKING; AMEMBASSY, PEIPING; AMEMBASSY, HANKOW, signed Gauss.

10. Cable dated February 13, 1938 to AMEMBASSY, NANKING, signed Johnson.

11. Cable dated February 18, 4 p.m., to AMEMBASSY, HANKOW; SECSTATE, WASHINGTON; AMEMBASSY, PEIPING; AMERICAN CONSUL, SHANGHAI, signed Allison.

12. Cable sent via Naval Radio GAjr, dated at Nanking, March 12, 1938, to SECSTATE, WASHINGTON; AMEMBASSY, HANKOW; AMEMBASSY, PEIPING; AMCONSUL, SHANGHAI, signed Atcheson.

13. Cable sent via Naval Radio, dated March 16, 1938, to AMEMBASSY, HANKOW; SECSTATE, WASHINGTON; AMEMBASSY, PEIPING; AMCONSUL, SHANGHAI, signed Allison.

14. Cable sent via Naval Radio, dated April 14, 1938, to SECSTATE, WASHINGTON; AMEMBASSY, HANKOW; AMEMBASSY, PEIPING; AMEMBASSY, NANKING, from AMCONSUL, TSINGTAO, signed Gourley.

PURL: http://www.legal-tools.org/doc/43c78d/

15. Cable sent via Naval Radio, dated April 26, 1938, to SECSTATE, WASHINGTON; AMEMBASSY, NANKING; AMEMBASSY, HANKOW; AMEMBASSY, PEIPING, from AMCONSUL, SHANGHAI, signed Lockhart.

16. Cable sent via Naval Radio, dated May 27, 1938, to SECSTATE, WASHINGTON; AMEMBASSY, HANKOW; AMEMBASSY, NANKING; AMCONSUL, SHANGHAI, from PEIPING, signed Salisbury.

17. Telegram sent via Naval Radio, dated December 12, 1938, 10 a.m., to AMERICAN CONSUL, SHANGHAI, subject "Chinese bombers over Nanking", signed Cooper.

Dated at Tokyo, Japan, this 6 August 1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/43c78d/

Paper No. 347
Disposes of Paper No. 346
Amends Order
Paper No. 297

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

UNITED STATES OF AMERICA; et al	ORDER,
- vs -	AMENDING ORDER OF 16 JULY 1946
ARAKI, Sadao; et al	SUBSTITUTING ADMINISTRATIVE OFFICERS.

This matter coming on to be heard before Mr. Justice Webb, President of the Tribunal, on the Request of the Prosecution that Order (Paper No. 297) be amended, and the Tribunal being fully advised, it is

ORDERED: That only the last paragraph of the order of this Tribunal heretofore entered on 16 July 1946 be and is hereby amended and shall now read as follows:

"ORDERED: That the said exhibits shall be delivered by the Clerk of the Court only upon the written receipt of the following:

PROSECUTION SECTION	DEFENSE SECTION
Lt. Gunnar E. Ohberg	Lt. Comdr. E. R. Harris, U.S.N.R.
or	
Lt. Kurt Steiner"	

Dated at Tokyo, Japan, this 8 August 1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/5aa8de/

Paper No. 364
Disposes of
Paper No. 338

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al

- vs -

ARAKI, Sadao; et al

) ORDER,
) GRANTING APPLICATION OF THE
) PROSECUTION TO WAIVE RULE
) 6(B)1 IN RESPECT TO
) PROSECUTION DOCUMENT
) NO. 2203.

This matter coming on to be heard before The Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution for an order dispensing with full compliance with the provisions of Rule 6(b)1 of the Rules of Procedure of the International Military Tribunal for the Far East, in respect to Prosecution Section document No. 2203, so as to permit the Prosecution to introduce into evidence and to serve upon the attorneys for the accused, copies of excerpts only therefrom in both the Japanese and English language, and after hearing the arguments of Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application as to Prosecution Section document No. 2203 be and is hereby granted as prayed.

Dated at Tokyo, Japan, this 13 August 1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/5aa8de/

Paper No. 365
Disposes of
Paper No. 345

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	) ORDER,
	) GRANTING APPLICATION OF THE
- vs -	) PROSECUTION TO WAIVE RULE
	) 6(B)1 IN RESPECT TO PROSECU-
ARAKI, Sadao; et al	) TION DOCUMENTS NOS. 1043
	) AND 1045.

This matter coming on to be heard before The Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution for an order dispensing with full compliance with the provisions of Rule 6(b)1 of the Rules of Procedure of the International Military Tribunal for the Far East, in respect to Prosecution Section documents Nos. 1043 and 1045, so as to permit the Prosecution to introduce into evidence and to serve upon the attorneys for the accused, copies of excerpts only, therefrom, in both the Japanese and English language, and after hearing the arguments of Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application as to Prosecution Section documents Nos. 1043 and 1045 be and is hereby granted as prayed.

Dated at Tokyo, Japan, this 13 August 1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/5aa8de/

Paper No. 367
Disposes of Oral
Motion in Court

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	) ORDER,
	) GRANTING ORAL MOTION OF
- vs -	) THE DEFENDANTS TO MAKE
	) CONFERENCE ROOM PROCEED-
ARAKI, Sadao; et al	) INGS PART OF THE RECORD.

This matter coming on to be heard by the Tribunal in Open Court on the 5 August 1946 upon the oral motion on behalf of the defendants that all Chambers and Conference Room proceedings be made part of the record in the above entitled case, and the Tribunal being fully advised in the premises, it is the decision of a majority of the members of the Tribunal and it is

ORDERED: That said oral motion be and is hereby granted and that all of the proceedings heretofore had and which shall be hereafter had in Chambers and in the Conference Room shall be transcribed and made a part of the record in this case.

Dated at Tokyo, Japan, this 16 day of August 1946.

BY THE TRIBUNAL:

(Signed) W. F. WEBB
PRESIDENT

MEMBERS PRESENT:

Mr. Justice Webb, President of the Tribunal
Mr. Justice Northcroft
Lord Patrick
Mr. Justice Mei
Major General of Justice I. M. Zaryanov
Major General Myron C. Cramer
Mr. Justice McDougall
Mr. Justice Bernard
Mr. Justice Roling
Mr. Justice Pal
Mr. Justice Jaranilla

PURL: http://www.legal-tools.org/doc/5aa8de/

Paper No. 368
Disposes of
Paper No. 301
Amends Rule 6(B)(1)

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	) ORDER,
	) GRANTING APPLICATION OF
- vs -	) ALL ACCUSED FOR AMENDMENT
	) OF RULE 6(B)(1)
ARAKI, Sadao; et al	)

This matter heretofore coming on to be heard before the Tribunal in Open Court on the application of all the remaining accused for the amendment of Rule 6(B)(1), as amended, of the Rules of Procedure of the International Military Tribunal for the Far East, and the Tribunal being fully advised in the premises, it is the decision of a majority of the members of the Tribunal, and it is

ORDERED: That Rule 6(B)(1), as amended, of the Rules of Procedure of the International Military Tribunal for the Far East, be amended in that the same shall now read as follows:

"b. Except as otherwise provided by the Tribunal,

"(1) A copy of every document intended to be adduced in evidence by the prosecution or the defense will be delivered to the accused concerned or his counsel or to the prosecution, as the case may be, and also to the officer in charge of the Language Section of the Secretariat of the Tribunal, not less than twenty-four hours before such document is to be tendered in evidence. Every such copy shall have plainly marked thereon the part or parts upon which the prosecution or the defense, as the case may be, intends to rely, and every such copy shall be accompanied by a translation thereof into English or into Japanese, as the case may be, of the said part or parts. If the document is in a language other than English or Japanese, it shall be sufficient for the purpose of this provision if a translation into both English and Japanese of

PURL: http://www.legal-tools.org/doc/5aa8de/

Paper No. 347
Disposes of Paper No. 346
Amends Order
Paper No. 297

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

UNITED STATES OF AMERICA; et al	ORDER,
- vs -	AMENDING ORDER OF 16 JULY 1946
ARAKI, Sadao; et al	SUBSTITUTING ADMINISTRATIVE OFFICERS.

This matter coming on to be heard before Mr. Justice Webb, President of the Tribunal, on the Request of the Prosecution that Order (Paper No. 297) be amended, and the Tribunal being fully advised, it is

ORDERED: That only the last paragraph of the order of this Tribunal heretofore entered on 16 July 1946 be and is hereby amended and shall now read as follows:

"ORDERED: That the said exhibits shall be delivered by the Clerk of the Court only upon the written receipt of the following:

PROSECUTION SECTION	DEFENSE SECTION
Lt. Gunnar E. Ohberg	Lt. Comdr. E. R. Harris, U.S.N.R.
or	
Lt. Kurt Steiner"	

Dated at Tokyo, Japan, this 8 August 1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/3a2922/

Paper No. 364
Disposes of
Paper No. 338

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al
- vs -
ARAKI, Sadao; et al

) ORDER,
) GRANTING APPLICATION OF THE
) PROSECUTION TO WAIVE RULE
) 6(B)1 IN RESPECT TO
) PROSECUTION DOCUMENT
) NO. 2203.

This matter coming on to be heard before The Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution for an order dispensing with full compliance with the provisions of Rule 6(b)1 of the Rules of Procedure of the International Military Tribunal for the Far East, in respect to Prosecution Section document No. 2203, so as to permit the Prosecution to introduce into evidence and to serve upon the attorneys for the accused, copies of excerpts only therefrom in both the Japanese and English language, and after hearing the arguments of Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application as to Prosecution Section document No. 2203 be and is hereby granted as prayed.

Dated at Tokyo, Japan, this 13 August 1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/eb23d5/

Paper No. 365
Disposes of
Paper No. 345

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	) ORDER,
	) GRANTING APPLICATION OF THE
- vs -	) PROSECUTION TO WAIVE RULE
	) 6(B)1 IN RESPECT TO PROSECU-
ARAKI, Sadao; et al	) TION DOCUMENTS NOS. 1043
	) AND 1045.

This matter coming on to be heard before The Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution for an order dispensing with full compliance with the provisions of Rule 6(b)1 of the Rules of Procedure of the International Military Tribunal for the Far East, in respect to Prosecution Section documents Nos. 1043 and 1045, so as to permit the Prosecution to introduce into evidence and to serve upon the attorneys for the accused, copies of excerpts only, therefrom, in both the Japanese and English language, and after hearing the arguments of Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application as to Prosecution Section documents Nos. 1043 and 1045 be and is hereby granted as prayed.

Dated at Tokyo, Japan, this 13 August 1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/d014c6/

Paper No. 367
Disposes of Oral
Motion in Court

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	) ORDER,
	) GRANTING ORAL MOTION OF
- vs -	) THE DEFENDANTS TO MAKE
	) CONFERENCE ROOM PROCEED-
ARAKI, Sadao; et al	) INGS PART OF THE RECORD.

This matter coming on to be heard by the Tribunal in Open Court on the 5 August 1946 upon the oral motion on behalf of the defendants that all Chambers and Conference Room proceedings be made part of the record in the above entitled case, and the Tribunal being fully advised in the premises, it is the decision of a majority of the members of the Tribunal and it is

ORDERED: That said oral motion be and is hereby granted and that all of the proceedings heretofore had and which shall be hereafter had in Chambers and in the Conference Room shall be transcribed and made a part of the record in this case.

Dated at Tokyo, Japan, this 16 day of August 1946.

BY THE TRIBUNAL:

(Signed) W. F. WEBB
PRESIDENT

MEMBERS PRESENT:

Mr. Justice Webb, President of the Tribunal
Mr. Justice Northcroft
Lord Patrick
Mr. Justice Mei
Major General of Justice I. M. Zaryanov
Major General Myron C. Cramer
Mr. Justice McDougall
Mr. Justice Bernard
Mr. Justice Roling
Mr. Justice Pal
Mr. Justice Jaranilla

PURL: http://www.legal-tools.org/doc/4fef63/

Paper No. 368
Disposes of
Paper No. 301
Amends Rule 6(B)(1)

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	) ORDER,
	) GRANTING APPLICATION OF
- vs -	) ALL ACCUSED FOR AMENDMENT
	) OF RULE 6(B)(1)
ARAKI, Sadao; et al	)

This matter heretofore coming on to be heard before the Tribunal in Open Court on the application of all the remaining accused for the amendment of Rule 6(B)(1), as amended, of the Rules of Procedure of the International Military Tribunal for the Far East, and the Tribunal being fully advised in the premises, it is the decision of a majority of the members of the Tribunal, and it is

ORDERED: That Rule 6(B)(1), as amended, of the Rules of Procedure of the International Military Tribunal for the Far East, be amended in that the same shall now read as follows:

"b. Except as otherwise provided by the Tribunal,

"(1) A copy of every document intended to be adduced in evidence by the prosecution or the defense will be delivered to the accused concerned or his counsel or to the prosecution, as the case may be, and also to the officer in charge of the Language Section of the Secretariat of the Tribunal, not less than twenty-four hours before such document is to be tendered in evidence. Every such copy shall have plainly marked thereon the part or parts upon which the prosecution or the defense, as the case may be, intends to rely, and every such copy shall be accompanied by a translation thereof into English or into Japanese, as the case may be, of the said part or parts. If the document is in a language other than English or Japanese, it shall be sufficient for the purpose of this provision if a translation into both English and Japanese of

PURL: http://www.legal-tools.org/doc/0a0f20/

Paper No. 370
Disposes of
Paper No. 351

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	) ORDER,
	) GRANTING APPLICATION OF
- vs -	) PROSECUTION FOR LEAVE TO
	) PRESENT EVIDENCE OF JOHN
ARAKI, Sadao; et al	) GRANVILLE LIEBERT IN A PREPARED STATEMENT.

This matter coming on to be heard before The Honorable Sir William Webb, President of the Tribunal, upon the application of Prosecution for an order of the Tribunal granting leave to have the evidence and testimony in chief of John Granville Liebert, a witness to be produced on behalf of the Prosecution, presented to the Tribunal in the form of a prepared statement, and after hearing the arguments of Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application be and is hereby granted.

Dated at Tokyo, Japan, this 16 August 1946.

BY THE TRIBUNAL:

(Signed) W. F. WEBB
PRESIDENT

PURL: http://www.legal-tools.org/doc/dfd9a2/

such document, or such part or parts is delivered to the prosecution or the accused concerned or his counsel, and to such officer."

Dated at Tokyo, Japan, this 16 day of August 1946.

BY THE TRIBUNAL:

(Signed) W. F. WEBB
PRESIDENT

MEMBERS PRESENT:

Mr. Justice Webb, President of the Tribunal
Mr. Justice Northcroft
Lord Patrick
Mr. Justice Mei
Major General of Justice I. M. Zaryanov
Major General Myron C. Cramer
Mr. Justice McDougall
Mr. Justice Bernard
Mr. Justice Roling
Mr. Justice Pal
Mr. Justice Jaranilla

PURL: http://www.legal-tools.org/doc/dfd9a2/

Paper No. 371
Disposes of
Paper No. 320

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al) ORDER,
) GRANTING APPLICATION OF THE
- vs -) PROSECUION TO WAIVE RULE
) 6(B)(1) IN RESPECT TO
ARAKI, Sadao; et al) PROSECUTION DOCUMENTS NOS.
219, 436, ETC.

This matter coming on to be heard before The Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution for an order dispensing with full compliance with the provisions of Rule 6(b)(1) of the Rules of Procedure of the International Military Tribunal for the Far East, in respect to certain documents set forth in said application as Prosecution Section documents Nos. 219, 436, 438, 440, 1016, 1201, 1503b, 1504b, 1504c, 1505b, 1505c, 1505d, 1529d, 1584a, 1584d, 1604, 1756, 1799b, 1801, 1898, 1915, 2117, 2166, 2167, 2168, 2177, 2332, 2336, 2339, and 2415, so as to permit the Prosecution to introduce into evidence and to serve upon the attorneys for the accused, copies of excerpts only, therefrom, in both the Japanese and English language, and after hearing the arguments of Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application as to each of the enumerated documents be and is hereby granted; and it is further

ORDERED: That the Prosecution shall also prepare and furnish to Counsel for the accused, copies of additional parts or sections, in both the Japanese and English language, from the afore-mentioned documents enumerated as follows:

(1) From Prosecution Section document No. 1016, set forth in Paragraph 5 of the application -- the whole speech, of some 15 pages, of which the excerpt is a part.

(2) From Prosecution Section document No. 1604, set forth in Paragraph 16 of the application -- the balance of the whole article of which the excerpt is a part.

PURL: http://www.legal-tools.org/doc/201f81/

(3) From Prosecution Section document No. 1799b, set forth in Paragraph 18 of the application -- the balance of that particular article, numbered item 81, of which the excerpt is a part.

(4) From Prosecution Section document No. 1801, set forth in Paragraph 19 of the application -- all the balance of that particular article, numbered item 5, of which the excerpt is a part.

Dated at Tokyo, Japan, this 13 August 1946.

BY THE TRIBUNAL:

(Signed) W. F. WEBB
PRESIDENT

PURL: http://www.legal-tools.org/doc/201f81/

Paper No. 388
Disposes of
Oral Application in re
OKAWA, SHUMEI

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	) ORDER,
	) GRANTING THE ORAL APPLICA-
- vs -	) TION OF THE ACCUSED OKAWA,
	) SHUMEI, FOR TRANSFER FROM
ARAKI, Sadao; et al	) TOKYO IMPERIAL UNIVERSITY HOSPITAL TO MATSUZAWA HOSPITAL FOR THE INSANE.

This matter coming on to be heard before The Honorable Sir William Webb, President of the Tribunal, upon the oral application of the accused OKAWA, SHUMEI, by his Counsel of record, for an order of the Tribunal that the said accused OKAWA, SHUMEI, be removed forthwith from the Tokyo Imperial University Hospital, where he is presently confined under prior order of the Tribunal, and be immediately transferred to and confined in Matsuzawa Hospital, a municipal hospital for the insane, located in a suburb in the City of Tokyo, for further necessary care and treatment; said application being supported by a medical report, dated 22 August 1946, and recorded and filed in this case, made by Yushi Uchimura, M.D., Professor of Psychiatry, Tokyo Imperial University, President of Matsuzawa Hospital for the Insane, regarding the physical and mental condition of the afore-said OKAWA, SHUMEI, and with recommendation for his hospitalization, care and treatment; and after hearing the arguments of the respective Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That the said application be granted; and, subject to the requirements of the Supreme Commander, and of such provisions for the securing his proper custody therein as may be directed by the Supreme Commander, the accused OKAWA, SHUMEI, be removed forthwith from the Tokyo Imperial University Hospital and be immediately transferred to and confined in Matsuzawa Hospital for the Insane, Tokyo, for medial care and treatment until further order of the Tribunal, and it is further

ORDERED: That the Prosecution have leave to make further application for medical examination of the said accused OKAWA, SHUMEI.

Dated at Tokyo, Japan, this 23 August 1946.

BY THE TRIBUNAL:

(Signed) W. F. WEBB
PRESIDENT

PURL: http://www.legal-tools.org/doc/8c93ab/

Paper No.387
Disposes of
Paper No.363

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	) ORDER,
	) GRANTING APPLICATION OF
- vs -	) PROSECUTION THAT (1) THE
	) TRIBUNAL TAKE JUDICIAL
ARAKI, Sadao; et al	) NOTICE OF CERTAIN EVENTS, AND (2) RULE 6(B)(1) BE WAIVED WITH RESPECT TO PROSECUTION DOCUMENTS NOS. 1503b, 1418, 1632 AND 2361.

This matter coming on to be heard before The Honorable Sir William Webb, President of the Tribunal, upon the application of Prosecution for an order

(1) That the Tribunal take judicial notice of each of those certain events enumerated and set forth in Schedule (A) attached to said application and made a part thereof, and

(2) To dispense with full compliance with the provisions of Rule 6(b)(1) of the Rules of Procedure of the International Military Tribunal for the Far East, in respect to certain documents set forth in Schedule (B) attached to said application and made a part thereof and enumerated as Prosecution Section documents Nos. 1503b, 1418, 1632, and 2361, so as to permit Prosecution to introduce into evidence and to serve upon the attorneys for the accused, copies of excerpts only, therefrom, in both the Japanese and English language.

And after hearing the arguments of Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That the application as to matter No. 1 be granted; and that the Tribunal take judicial notice of each of the following events, set forth in Schedule (A) thereof, to wit:

1. On 14 October 1933, Germany withdrew from the disarmament conference.

2. On 14 October 1933, Germany resolved to withdraw from the League of Nations.

PURL: http://www.legal-tools.org/doc/e99657/

3. On 9 March 1935, foreign air attaches in Berlin were informed that German air force had come into existence officially as of March 1.

4. On 16 March 1935, HITLER reintroduced compulsory military service in Germany.

5. On 7 March 1936, German troops occupied the Rhineland.

6. In 1934, Italy began preparations for war against Ethiopia.

7. On 3 October 1935, Italian armed forces invaded Ethiopia.

8. On 11 December 1937, Italy resigned from the League of Nations.

9. On 4 February 1938, Joachim von Ribbentrop replaced Constantin von Neurath as German Foreign Minister. Major changes in the German Army; Chancellor Hitler assumed supreme command.

10. On 20 February 1938, Chancellor Hitler recognized Manchukuo and expressed preference for a Japanese victory.

11. On 23 August 1939, a German-Russian non-aggression treaty was signed.

12. On 30 March 1940, the Wang Ching-wei government was proclaimed in Nanking, and the United States refused to recognize this regime.

13. On 12 January 1940, the Japanese government informed the Netherlands government of the abrogation of the Japanese-Netherlands Arbitration Treaty.

14. On 20 March 1940, the Japanese Consulate was newly opened at Noumea, capital of New Caledonia.

15. On 1 September 1939, Germany invaded Poland.

16. On 9 May 1940, Germany invaded Belgium, Luxemburg, and the Netherlands.

17. On 10 June 1940, Italy declared war on Britain and France.

18. On 17 June 1940, France asked armistice terms of Germany.

PURL: http://www.legal-tools.org/doc/e99657/

And it is further

ORDERED: That the application as to matter No. (2) be granted as to Prosecution Section documents Nos. 1503b, 1418, 1632 and 2361; and it is further

ORDERED: That the Prosecution shall also prepare and furnish to Counsel for the accused, copies of additional parts or sections, in both the Japanese and English language, from the afore-mentioned documents enumerated as follows:

1. From Prosecution Section document No. 1503b, set forth in paragraph 1 of Schedule (B) of the application --- the balance of that particular article, of which the excerpt is a part, and consisting of approximately five and one-half pages more.

2. From Prosecution Section document No. 2361, set forth in paragraph 4 of Schedule (B) of the application --- the balance of that particular article, of which the excerpt is a part, and consisting of approximately three pages more.

Dated at Tokyo, Japan, this 22 August 1946.

BY THE TRIBUNAL:

(Signed) W. F. WEBB
PRESIDENT

PURL: http://www.legal-tools.org/doc/e99657/

Record Citation
Ch. 18 Sec #6
Para 3(7)

Paper No. 399.
Disposes of
Paper No. 391.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al - vs - ARAKI, Sadao; et al	ORDER, GRANTING APPLICATION OF PROSECUTION FOR LEAVE TO PRESENT THE EVIDENCE OF ADMIRAL JAMES O. RICHARDSON IN A PREPARED STATEMENT.

This matter coming on to be heard before The Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution for an order of the Tribunal granting leave to have the evidence and testimony in chief of Admiral James O. Richardson, a witness to be produced on behalf of the Prosecution, presented to the Tribunal in the form of a prepared statement instead of his being directly examined orally in Open Court; and after hearing the arguments of the respective Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application be and is hereby granted, as prayed.

Dated at Tokyo, Japan, this 30 August 1946.

BY THE TRIBUNAL:

(Signed) W. F. WEBB
PRESIDENT

PURL: http://www.legal-tools.org/doc/519298/

Record Instruction
Ltr 18 Oct #6
Para 3(7)

Paper No. 399.
Disposes of
Paper No. 391.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al - vs - ARAKI, Sadao; et al	ORDER, GRANTING APPLICATION OF PROSECUTION FOR LEAVE TO PRESENT THE EVIDENCE OF ADMIRAL JAMES O. RICHARDSON IN A PREPARED STATEMENT.

This matter coming on to be heard before The Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution for an order of the Tribunal granting leave to have the evidence and testimony in chief of Admiral James O. Richardson, a witness to be produced on behalf of the Prosecution, presented to the Tribunal in the form of a prepared statement instead of his being directly examined orally in Open Court; and after hearing the arguments of the respective Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application be and is hereby granted, as prayed.

Dated at Tokyo, Japan, this 30 August 1946.

BY THE TRIBUNAL:

(Signed) W. F. WEBB
PRESIDENT

PURL: http://www.legal-tools.org/doc/519298/

Record Listed on
Ltr. 18 Oct #6
Para 3(7)

Paper No. 399.
Disposes of
Paper No. 391.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al - vs - ARAKI, Sadao; et al	ORDER, GRANTING APPLICATION OF PROSECUTION FOR LEAVE TO PRESENT THE EVIDENCE OF ADMIRAL JAMES O. RICHARDSON IN A PREPARED STATEMENT.

This matter coming on to be heard before The Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution for an order of the Tribunal granting leave to have the evidence and testimony in chief of Admiral James O. Richardson, a witness to be produced on behalf of the Prosecution, presented to the Tribunal in the form of a prepared statement instead of his being directly examined orally in Open Court; and after hearing the arguments of the respective Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application be and is hereby granted, as prayed.

Dated at Tokyo, Japan, this 30 August 1946.

BY THE TRIBUNAL:

(Signed) W. F. WEBB
PRESIDENT

PURL: http://www.legal-tools.org/doc/fc9187/

Record Instruction
Ltr 18 act #6
para 3(7)

Paper No. 399.
Disposes of
Paper No. 391.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al - vs - ARAKI, Sadao; et al	ORDER, GRANTING APPLICATION OF PROSECUTION FOR LEAVE TO PRESENT THE EVIDENCE OF ADMIRAL JAMES O. RICHARDSON IN A PREPARED STATEMENT.

This matter coming on to be heard before The Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution for an order of the Tribunal granting leave to have the evidence and testimony in chief of Admiral James O. Richardson, a witness to be produced on behalf of the Prosecution, presented to the Tribunal in the form of a prepared statement instead of his being directly examined orally in Open Court; and after hearing the arguments of the respective Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application be and is hereby granted, as prayed.

Dated at Tokyo, Japan, this 30 August 1946.

BY THE TRIBUNAL:

(Signed) W. F. WEBB
PRESIDENT

PURL: http://www.legal-tools.org/doc/3603af/

Rejd listed in
Ltr 18 Oct 46
para 2(6)

Paper No. 400
Disposes of
Paper No. 379.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	ORDER GRANTING APPLICATION OF THE PROSECUTION TO WAIVE RULE 6(b)(1) IN RESPECT TO PROSECUTION DOCUMENTS NOS. 949, 1105, 1204, 223 AND 829.
- vs -	
ARAKI, Sadao; et al	

This matter coming on to be heard before The Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution for an order dispensing with full compliance with the provisions of Rule 6(b)(1) of the Rules of Procedure of the International Military Tribunal for the Far East, in respect to certain documents set forth in said application as Prosecution Section Documents Nos. 949, 1105, 1204, 223 and 829, so as to permit the Prosecution to introduce into evidence and to serve upon the attorneys for the accused, copies of excerpts only, therefrom, in both the Japanese and English language, and after hearing the arguments of Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application as to each of the enumerated documents be and is hereby granted, as prayed;

And it is further

PURL: http://www.legal-tools.org/doc/3bd3e9/

ORDERED: That the Prosecution shall also prepare and furnish to Counsel for the accused, copies of additional parts or sections, in both the Japanese and English language, from the afore-mentioned documents enumerated as follows:

(1) From Prosecution Section Document No. 949, set forth in Paragraph 1, Schedule A of the application --- all that part beginning on the fourth line of Page 32 of said document, and ending on the seventh line of Page 40 of same, and also, beginning on Line two on Page 48, and ending with the last line on Page 51, consisting of approximately eleven (11) additional pages.

(2) From Prosecution Section Document No. 829, set forth in Paragrph 4, Schedule A of the application --- the complete statement of the Foreign Office concerning the Administrative Jurisdiction of Shinnan Gunto, consisting of approximately one (1) whole page from which the excerpt on Page 19 is a part.

Dated at Tokyo, Japan, this 29 August 1946.

BY THE TRIBUNAL:

(Signed) W. F. WEBB
PRESIDENT

PURL: http://www.legal-tools.org/doc/3bd3e9/

Rec'd listed in
Ltr dtd 18 Jul 46
para 2(a)

Paper No. 417
Disposes of
Paper No. 405

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al - vs - ARAKI, Sadao; et al	ORDER, GRANTING APPLICATION OF THE ACCUSED UMEZU, YOSHIJIRO, FOR THE PRODUCTION OF LT. GEN. SAKAI, TAKASHI, AS A WITNESS.

This matter coming on to be heard before The Honorable Sir William Webb, President of the Tribunal, upon the application of the accused UMEZU, YOSHIJIRO, by his Counsel of record, in accordance with Article 9(e) of the Charter, for an order of the Tribunal for the production of Lt. Gen. SAKAI, Takashi, as a witness for and on behalf of the said accused UMEZU, YOSHIJIRO; and after hearing the arguments of Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application be and is hereby granted; and it is further

ORDERED: That a summons be issued forthwith by the Secretary of the Tribunal commanding Lt. Gen. SAKAI, Takashi, to attend and testify before said Tribunal as a witness for the Defense.

Dated at Tokyo, Japan, this 3 September 1946.

BY THE TRIBUNAL:

(Signed)

W. F. Webb.

PURL: http://www.legal-tools.org/doc/d3b281/

Rec'd Justice Ltr Oct 18, '46 para 2(12)

Paper No. 420

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al - vs - ARAKI, Sadao; et al	) ORDER,) RELEASING G. WALTER BOWMAN) AND APPOINTING CHARLES A.) MANTZ AS CLERK OF THE) COURT.

The attention of the Tribunal has been directed to the fact that G. Walter Bowman, Clerk of the Court, whose services were loaned to this Tribunal through the courtesy of the Honorable J. Foster Symes, Judge of the United States District Court for the District of Colorado, for the purpose of setting up the office of the Clerk of the Court of this Tribunal, has now completed his mission and desires to return to his position as Clerk of the United States District Court for the District of Colorado, and that a successor should be appointed to act in his stead, and the Tribunal being fully advised in the premises, it is the decision of a majority of the Justices, and it is

ORDERED: That the appreciation of this Tribunal be and is hereby extended to the Honorable J. Foster Symes for his consideration and courtesy in lending the services of G. Walter Bowman, and it is further

ORDERED: That G. Walter Bowman be released from his duties as Clerk of the Court of this Tribunal, and that the Tribunal's appreciation of his excellent services be placed on record; and it is further

PURL: http://www.legal-tools.org/doc/9085c9/

ORDERED: That Charles A. Mantz be and is hereby appointed as Clerk of the Court in the place and stead of G. Walter Bowman, and that Herbert W. DeLaney be and is hereby appointed Chief Deputy Clerk of the Court, and it is further

ORDERED: That the release of G. Walter Bowman, and the appointments herein, be effective as of the 11 day of September 1946.

Dated at Tokyo, Japan, this 9 day of September 1946.

BY THE TRIBUNAL:

(Signed) W.F. Webb
PRESIDENT

MEMBERS PRESENT:

The Honorable Sir William Webb, President of the Tribunal
Mr. Justice Northcroft
Lord Patrick
Mr. Justice Mei
Major General of Justice I. M. Zaryanov
Major General Myron C. Cramer
Mr. Justice McDougall
Mr. Justice Bernard
Mr. Justice Roling
Mr. Justice Pal
Mr. Justice Jaranilla

PURL: http://www.legal-tools.org/doc/9085c9/

Read dated
Ltr 18 Oct 46
Para 2.(27)

Paper No. 435
Disposes of
Paper No. 428

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al - vs - ARAKI, Sadao; et al	) ORDER,) GRANTING APPLICATION OF) THE ACCUSED UMEZU, YOSHI-) JIRO, FOR THE PRODUCTION) OF THIRTEEN DESIGNATED) WITNESSES.

This matter coming on to be heard before The Honorable Sir William Webb, Presidetn of the Tribunal, upon the application of the accused UMEZU, Yoshijiro, by his Counsel of record, in accordance with Article 9(e) of the Charter, for an order of the Tribunal for the production of Lt. Gen. DOI, Akio; Lt. Gen. YOSHIOKA, Yasunao; Gen. YAMADA, Otozo; Lt. Gen. HASHIMOTO, Toranosuke, NAKAJIMA, Hitakichi (also known as NAKASHIMA); Lt. Gen. NAKASHIMA, Tetsuzo; Maj. Gen. AOKI, Kazue; Dr. ONODERA, Naosuke; Gen. USHIROKU, Jun; Maj. Gen. MATSUDA, Genji; Lt. Gen. ISOGAI, Rensuke; TAKEBE, Rokuzo; and FURUMI, Tadayuki, respectively, as witnesses for and on behalf of the said accused UMEZU, Yoshijiro; and after hearing the arguments of Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application be and is hereby granted, as prayed; and it is further

ORDERED: That a summons be issued forthwith, by the Secretary of the Tribunal, for each of the persons hereinafter

PURL: http://www.legal-tools.org/doc/d47c2e/

ORDERED: That Court Exhibit No. 328, to wit Volume IX of "Correspondence American Embassy Nanking, 1938," be withdrawn from the records of the Tribunal and returned to the American Embassy at Nanking.

Dated at Tokyo, Japan, this 16 September 1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/d47c2e/

Rec'd listed
ltr. 18 Oct 46
para 2.(28)

Paper No. 436
Disposes of
Paper No. 430

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	) ORDER,
	) GRANTING WITHDRAWAL FROM
- vs -	) RECORDS OF THE TRIBUNAL,
	) COURT EXHIBIT NO. 328.
ARAKI, Sadao; et al	)

This matter coming on to be heard before The Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution for leave to withdraw from the records of the Tribunal, the original document identified as Prosecution Section document No. 1906, Court Exhibit No. 328, being Volume IX of "Correspondence American Embassy Nanking, 1938," to the end that this document may be returned forthwith to the American Embassy at Nanking, from whom it was secured; and, it appearing to the Tribunal that the American Embassy at Nanking desires to withdraw this document forthwith from the records of the Tribunal; and, that the withdrawal of this document, as requested, will in no wise prejudice the rights of the accused or any of them and no substantial injustice will result thereby to said accused; and, after hearing the arguments of Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application be and is hereby granted; and it is further

PURL: http://www.legal-tools.org/doc/98dfff/

set forth, commanding said persons respectively to attend and testify before said Tribunal as a witness for the defendant UMEZU, Yoshijiro:

A. Lt. Gen. DOI, Akio
B. Lt. Gen. YOSHIOKA, Yasunao
C. Gen. YAMADA, Otozo
D. Lt. Gen. HASHIMOTO, Toranosuke
E. NAKAJIMA, Hitakichi (also known as NAKASHIMA)
F. Lt. Gen. NAKASHIMA, Tetsuzo
G. Maj. Gen. AOKI, Kazue
H. Dr. ONODERA, Naosuke
I. Gen. USHIROKU, Jun
J. Maj. Gen. MATSUDA, Genji
K. Lt. Gen. ISOGAI, Rensuke
L. TAKEBE, Rokuzo
M. FURUMI, Tadayuki

Dated at Tokyo, Japan, this 16 September 1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/98dfff/

Recd Mistel
Ltr. 18 Oct 46
para 2(28)

Paper No. 437
Disposes of
Paper No. 418

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	) ORDER,
	) GRANTING APPLICATION OF
- vs -	) PROSECUTION FOR EXEMPTION
	) FROM RULE 6(B)(1) WITH
ARAKI, Sadao; et al	) RESPECT TO PROSECUTION
	) DOCUMENT No. 9016B.

This matter coming on to be heard before The Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution for an order of exemption from the provisions of Rule 6(B)(1) of the Rules of Procedure of the International Military Tribunal for the Far East, with respect to Prosecution Section document No. 9016B, portions of which the Prosecution intend to be adduced in evidence, so as to permit the Prosecution to serve upon the accused or their Counsel, copies of excerpts only from said document, in both the Japanese and the English language, in the place and stead of the entire original document; and after hearing the arguments of Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application for such exemption be and is hereby granted.

Dated at Tokyo, Japan, this 16 September 1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/488fea/

Paper No. 442
Disposes of Paper No. 438
Amends Order, Paper No. 297 and
Amends Order, Paper No. 347

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al
- vs -
ARAKI, Sadao; et al

ORDER,
AMENDING PREVIOUS ORDERS,
IN RE: RECEIPTS FOR WITH-
DRAWAL OF COURT EXHIBITS.

This matter coming on to be heard before The Honorable Sir William Webb, President of the Tribunal, upon the application of the accused, by their Counsel of record, for an order amending the last paragraph of that certain order (Paper No. 297) heretofore made and entered by the Tribunal on 16 July 1946, and the last paragraph of that certain order (Paper No. 347) heretofore made and entered by the Tribunal on 8 August 1946, wherein Lt. Comdr. E. R. Harris, U.S.N.R., was designated as the person to whom exhibits and documents shall be delivered by the Clerk of the Court from the Registry of the Tribunal, upon proper written receipt on behalf of the Defense Section, by adding the name of Lt. Bernard A. Hargadon thereto, and with like effect; and after hearing the argument of Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That the last paragraph, only, of that certain order of this Tribunal heretofore made and entered on 16 July 1946, and the last paragraph, only, of that certain order of this Tribunal heretofore made and entered on 8 August 1946, be and are hereby respectively amended and shall now

PURL: http://www.legal-tools.org/doc/d717d3/

read as follows:

"ORDERED: That the said exhibits shall be delivered by the Clerk only upon the written receipt of the following:

PROSECUTION SECTION	DEFENSE SECTION
Lt. Gunnar E. Ohberg	Lt. Comdr. E. R. Harris, U.S.N.R.
or	or
Lt. Kurt Steiner	Lt. Bernard A. Hargadon"

Dated at Tokyo, Japan, this 19 September 1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/d717d3/

Paper No. 443
Disposes of
Paper No. 423

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA: et al) ORDER,
) GRANTING APPLICATION OF
- vs -) PROSECUTION FOR EXEMPTION
) FROM RULE 6 (B)(1) WITH
ARAKI, Sadao: et al) RESPECT TO PROSECUTION
DOCUMENTS NOS. 2457, 2527,
AND OTHERS.

This matter coming on to be heard before The Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution for an order of exemption from the provisions of Rule 6(b)(1) of the Rules of Procedure of the International Military Tribunal for the Far East, with respect to Prosecution Section documents enumerated and set forth in said application portions of which the Prosecution intend to be adduced in evidence, so as to permit the Prosecution to serve upon the accused or their Counsel, copies of excerpts, only, from said documents, in both the Japanese and the English language, in the place and stead of the entire original documents; and after hearing the arguments of respective Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application be and is hereby granted, as prayed, as to Prosecution Section documents Nos. 2457, 2527, 2367, 2368, 1955, 1987, 2302, 2330, 2549, 2461, 2528, 4121, 2524, 1086, 1217, 1628, and 1754; and it is further

ORDERED: That the Prosecution shall also prepare and furnish to Counsel for the accused, copies of additional parts

PURL: http://www.legal-tools.org/doc/49e737/

or sections, in both the Japanese and the English language, from the afore-mentioned documents enumerated as follows:

1. From Prosecution Section document No. 2457 --- the entire speech of Baron SHIDEHARA, consisting of approximately three and one-half pages, of which the excerpt is a part.

2. From Prosecution Section document No. 2330 --- the whole of Page 52 and the first line of Page 53 from the said book on "Draft Measures on the Construction of the Greater East Asia."

3. From Prosecution Section document No. 2461 --- the entire speech of TOJO, of which the excerpt is a part.

4. From Prosecution Section document No. 2528 --- the entire speech of SHIGEMITSU, of which the excerpt is a part.

5. From Prosecution Section document No. 2524 --- one line in "The Kaizo" magazine which was left out of the excerpt prepared by the Prosecution.

6. From Prosecution Section document No. 1217 --- the entire speech of SHIGEMITSU, of which the excerpt is a part.

And it is further

ORDERED: That said application be continued for further consideration by the Tribunal as to Prosecution Section documents Nos. 2459, 1753, 4122, 2627, 13, 1622, 2402, 1621,

PURL: http://www.legal-tools.org/doc/49e737/

1355, 1046, 1285, 590, 1210, 823, 1461, 1505, 2550, and 2419.

Dated at Tokyo, Japan, this 19 September 1946.

BY THE TRIBUNAL:

(Signed) W. F. WEBB
PRESIDENT

PURL: http://www.legal-tools.org/doc/49e737/

Red lined
ltr 18 Oct 46
para 2.(16)

Paper No. 447

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al
- vs -
ARAKI, Sadao; et al

) ORDER,
) IN RE:- THE PRODUCTION OF
) WITNESSES AND OF DOCUMENTS
) FOR THE DEFENSE, UNDER
) CHARTER PROVISIONS, --
) SECTION III, ARTICLE 9,
) PARAGRAPH E.

This matter coming on for consideration by the Tribunal upon its own initiation this 26 September 1946, to ascertain and determine the procedure for the production of witnesses and documents for and on behalf of the Accused, and each of them, under and by virtue of the provisions of Section III, Article 9, Paragraph E, of the Charter of the International Military Tribunal for the Far East; it is

ORDERED: That each Accused in this case shall, by his respective Counsel of record, make application in writing to the Tribunal for the production of such witnesses and of such documents as he may desire for and on behalf of his defense, under and according to the provisions of Section III, Article 9, Paragraph E of the Charter of the Tribunal, and

The Tribunal will hear and determine the said applications of the accused in the Conference Room of the Tribunal at 0900 hours, in manner, and on the dates, hereinafter prescribed:-

On Monday, 14 October 1946, the application of the accused; which application shall be filed with the General Secretary of the Tribunal not later than five o'clock on 7 October 1946.

PURL: http://www.legal-tools.org/doc/ed2e34/

On Wednesday, 16 October 1946, the application of four of the accused; which application shall be filed with the General Secretary of the Tribunal not later than five o'clock on 9 October 1946.

On Thursday, 17 October 1946, the application of four of the accused; which application shall be filed with the General Secretary of the Tribunal not later than five o'clock on 10 October 1946.

On Monday, 21 October 1946, the application of four of the accused; which application shall be filed with the General Secretary of the Tribunal not later than five o'clock on 14 October 1946.

On Wednesday, 23 October 1946, the application of four of the accused; which application shall be filed with the General Secretary of the Tribunal not later than five o'clock on 16 October 1946.

On Thursday, 24 October 1946, the application of four of the accused; which application shall be filed with the General Secretary of the Tribunal not later than five o'clock on 17 October 1946.

On Monday, 28 October 1946, the application of three of the accused; which application shall be filed with the General Secretary of the Tribunal not later than five o'clock on 21 October 1946.

Counsel for the Accused, through their duly designated administrative officer of the Defense Section, shall determine the respective four applications of the accused to be heard on the dates set forth until all the said applications have been filed as herein provided.

Dated at Tokyo, Japan, this 26 September 1946.

BY THE TRIBUNAL:

(Signed) W. F. WEBB
PRESIDENT

PURL: http://www.legal-tools.org/doc/ed2e34/

WD letter 25 Oct '46.
Para. 2.h.
Paper No. 452
Disposes Further of
Paper No. 423

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNTIED STATES OF AMERICA; et al
- vs -
ARAKI, Sadao; et al

ORDER: FURTHER GRANTING APPLICATION OF PROSECUTION FOR EXEMPTION FROM RULE 6(b)(1) WITH RESPECT TO CERTAIN DOCUMENTS NOT HERETOFORE RULED ON IN PAPER NO. 423.

This matter coming on, for further hearing and consideration, before The Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution for an order of exemption from the provisions of Rule 6(b)(1) of the Rules of Procedure of the International Military Tribunal for the Far East, with respect to certain Prosecution Section documents enumerated and set forth in said application, and not heretofore ruled upon by the Tribunal, portions of which the Prosecution intend to be adduced in evidence, so as to permit the Prosecution to serve upon the accused or their Counsel, copies of excerpts, only, from said documents, in both the Japanese and the English language, in the place and stead of the entire original documents; and after hearing the arguments of respective Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application be and is hereby granted, as prayed, as to Prosecution Section documents Nos. 1753, 4122, 2627, 13, 1622, 1355, 1046, 1285, 590, 1210, 823, 1461, 1505, 2550 and 2419; and it is further

ORDERED: That the Prosecution shall also prepare and furnish to Counsel for the accused, copies of additional parts or sections, in both the Japanese and the English language, from

PURL: http://www.legal-tools.org/doc/b29e5c/

the afore-mentioned documents enumerated as follows:

1. From Prosecution Section document No. 1753 -- the entire document, of which the excerpt is a part.

2. From Prosecution Section document No. 2627 -- from page 26 to the first line on page 30 of the article by Araki, Sadao, on "The Mission of Japan in the Era of Showa."

3. From Prosecution Section document No. 1355 -- all of the remarks of the President of the Institute appearing on pages 3 and 4, of which the excerpt is a part, and also the outline of exercises of 17 Showa on page 7.

4. From Prosecution Section document No. 1046 -- the entire document, of which the excerpt is a part.

5. From Prosecution Section document No. 1285 -- the entire document, of which the excerpt is a part.

6. From Prosecution Section document No. 2419 -- the whole of Shiratori's letters, consisting of approximately 16 pages, of which the excerpt is a part.

And, the Tribunal makes no order in respect to Prosecution Section documents Nos. 2459, 2402 and 1621, as Counsel for the Prosecution and for the Defense have mutually agreed relative thereto.

Dated at Tokyo, Japan, this 2 October 1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/b29e5c/

Paper No. 453
Disposes of
Paper No. 448

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al
- vs -
ARAKI, Sadao; et al

ORDER, GRANTING APPLICATION OF PROSECUTION FOR EXEMPTION FROM RULE 6 (B) (1) WITH RESPECT TO PROSECUTION DOCUMENT NO. 794A.

This matter coming on to be heard before The Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution for an order of exemption from the provisions of Rule 6(b)(1) of the Rules of Procedure of the International Military Tribunal for the Far East, with respect to Prosecution Section document No. 794A, portions of which the Prosecution intend to be adduced in evidence, so as to permit the Prosecution to serve upon the accused or their Counsel, copies of excerpts only from said document, in both the Japanese and the English language, in the place and stead of the entire original document; and after hearing the arguments of Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application be and is hereby granted, as prayed.

Dated at Tokyo, Japan, this 4 October 1946.

BY THE TRIBUNAL:

(Signed) W.F.WEBB
PRESIDENT

PURL: http://www.legal-tools.org/doc/4c9bd6/

Paper No. 455
Disposes of
Paper No. 431
(Formerly Paper No. 423-A)

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	) ORDER,
	) GRANTING APPLICATION OF
- vs -	) PROSECUTION FOR EXEMPTION
	) FROM RULE 6(b)(1) WITH
ARAKI, Sadao; et al	) RESPECT TO PROSECUTION
	) DOCUMENT NO. 608

This matter coming on to be heard before The Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution for an order of exemption from the provisions of Rule 6(b)(1) of the Rules of Procedure of the International Military Tribunal for the Far East, with respect to Prosecution Section document No. 608, portions of which the Prosecution intend to be adduced in evidence, so as to permit the Prosecution to serve upon the accused or their Counsel, copies of excerpts only from said document, in both the Japanese and the English language, in the place and stead of the entire original document; and after hearing the arguments of Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application be and is hereby granted, as prayed.

Dated at Tokyo, Japan, this 4 October 1946.

BY THE TRIBUNAL:

(Signed) W.F.WEBB
PRESIDENT

PURL: http://www.legal-tools.org/doc/45de7f/

Paper No. 456
Disposes of
Paper No. 439

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	) ORDER,
	) GRANTING APPLICA-
- vs -	) TION OF THE
	) ACCUSED KIMURA,
ARAKI, Sadao; et al	) HEITARO, FOR THE
	) PRODUCTION OF LT.
	) COL. SUGITA, ICHIJI,
	) AS A WITNESS.

This matter coming on to be heard before The Honorable Sir William Webb, President of the Tribunal, upon the application of the accused KIMURA, Heitaro, by his Counsel of record, in accordance with Article 9(e) of the Charter, for an order of the Tribunal for the production of Lt. Col. SUGITA, Ichiji, and under an oral amendment to said application, heretofore allowed by the Tribunal, for the production of Maj. Gen. SAITO and Lt. Col. BANNO, all as witnesses for and on behalf of the said accused KIMURA, Heitaro; and Counsel for said accused applying to the Tribunal for leave to withdraw from said amended application the names of Maj. Gen. SAITO and Lt. Col. BANNO: and the Tribunal hearing the arguments of Counsel and

PURL: http://www.legal-tools.org/doc/9e9d3f/

and being fully advised in the premises, it is

ORDERED: That the oral application of the accused to withdraw from the amended application the names of Maj. Gen. SAITO and Lt. Col. BANNO be granted; and it is further

ORDERED: That the original application as to Lt. Col. SUGITA, Ichiji, be and is hereby granted, as prayed; and that a summons be issued forthwith, by the Secretary of the Tribunal, commanding said Lt. Col. SUGITA, Ichiji, to attend and testify before said Tribunal as a witness for the defendant KIMURA, Heitaro.

Dated at Tokyo, Japan, this 4 October 1946.

BY THE TRIBUNAL:

(Signed) W. F. WEBB
PRESIDENT

PURL: http://www.legal-tools.org/doc/9e9d3f/

Paper No. 459
Disposes of
Paper No. 444

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA: et al	) ORDER,
	) GRANTING APPLICATION
- vs -	) OF PROSECUTION FOR
	) EXEMPTION FROM RULE
ARAKI, Sadao; et al	) 6(B)(1) WITH RESPECT
	) TO COURT EXHIBIT
	) NO. 174.

This matter coming on to be heard before The Honorable Sir William Webb, President of the Tribunal, upon the application of Prosecution for an order of exemption from the provisions of Rule 6(b)(1) of the Rules of Procedure of the International Military Tribunal for the Far East, with respect to Court Exhibit No. 174, portions of which the Prosecution intend to be adduced in evidence, so as to permit the Prosecution to serve upon the accused, or their Counsel, copies of excerpts, only, from said document, in both Japanese and the English language, in the place and stead of the entire original document; and it appearing to the Tribunal that an agreement has been reached and entered into between Counsel for the Prosecution and Counsel for the accused, as to the specific excerpts to be

PURL: http://www.legal-tools.org/doc/60b763/

processed and served by and on behalf of the Prosecution for its own use, as set forth in the application, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application be and is hereby granted, as prayed, and as agreed upon between respective Counsel; and it is further

ORDERED: That the Prosecution shall also prepare and furnish Counsel for the accused, copies of such additional parts or sections, in both the Japanese and the English language, from the aforementioned document, as have been mutually agreed upon by and between Counsel for the Prosecution and Counsel for the accused.

Dated at Tokyo, Japan, this 4 October 1946.

BY THE TRIBUNAL:

(Signed) W. F. WEBB
PRESIDENT

PURL: http://www.legal-tools.org/doc/60b763/

Paper No. 460
Disposes of
Paper No. 422

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al)
- vs -
ARAKI, Sadao; et al

ORDER, GRANTING APPLICATION OF PROSECUTION FOR EXEMPTION FROM RULE 6(b)(1) WITH RESPECT TO COURT EXHIBIT NO. 58.

This matter coming on to be heard before The Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution for an order of exemption from the provisions of Rule 6(b)(1) of the Rules of Procedure of the International Military Tribunal for the Far East, with respect to Court Exhibit No. 58, portions of which the Prosecution intend to be adduced in evidence, so as to permit the Prosecution to serve upon the accused or their Counsel, copies of excerpts, only, from said document, in both the Japanese and the English language, in the place and stead of the entire original document; and after hearing the arguments of Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application be and is hereby granted, as prayed; and it is further

ORDERED: That the Prosecution shall also prepare and furnish to Counsel for the accused, copies of additional parts or sections, in both the Japanese and the English language, from the afore-mentioned document, as follows:

(1) Beginning on page 1088 at line 5, to page 1089 at line 3.

(2) Beginning on page 1089 at line 19, to page 1090 at line 5.

PURL: http://www.legal-tools.org/doc/559a64/

(3) Beginning on page 1091 at line 9, to line 15 of the same page.

(4) Beginning on page 1101 at line 20, to page 1102 at line 17.

(5) Beginning on page 1114 at line 2, to page 1115 at line 7.

(6) Beginning on page 1119, the last paragraph thereof, and continuing to page 1120 at line 5.

(7) Beginning on page 1133, the entire second paragraph thereof.

(8) Beginning on page 1189 at line 11, to page 1190 at line 7.

(9) Beginning on page 1472 at line 2, to line 23 of the same page.

(10) All of page 1136 to the end of page 1165, consisting of approximately 30 pages.

Dated at Tokyo, Japan, this 4 October 1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/559a64/

WD letter 25 Oct 46.
Para. 2.g.

Paper No. 463
Disposes of
Paper No. 451

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al - vs - ARAKI, Sadao; et al	) ORDER, GRANTING) APPLICATION OF PROSECU-) TION FOR EXEMPTION FROM) RULE 6(B)(1) WITH RE-) SPECT TO PROSECUTION DOCUMENTS NOS. 2604-A, 2605-A AND TEN OTHERS.

This matter coming on to be heard before The Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution for an order of exemption from the provisions of Rule 6(b)(1) of the Rules of Procedure of the International Military Tribunal for the Far East, with respect to Prosecution Section documents Nos. 2604-A, 2605-A, 1756-G, 1756-H, 488-C, 1795-B, 1622-B, 1356-A, 628, 1412-A, 2568, and 1555-I, portions of which documents the Prosecution intend to be adduced in evidence, so as to permit the Prosecution to serve upon the accused or their Counsel, copies of excerpts only from said documents, in both the Japanese and the English language, in the place and stead of the entire original documents; and after hearing the arguments of Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application be and is hereby granted, as prayed.

Dated at Tokyo, Japan, this 8 October 1946.

BY THE TRIBUNAL:

(Signed) W.F. WEBB
PRESIDENT

PURL: http://www.legal-tools.org/doc/16134c/

WD letter 25 Oct 46
Para. 2g.

Paper No. 464
Disposes of
Paper No. 458

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	) ORDER, GRANTING
	) APPLICATION OF PROSECU-
- vs -	) TION FOR A SUBPOENA
	) DUCES TECUM FOR YAMASHITA
ARAKI, Sadao; et al	) AND HOMMA RECORDS

This matter coming on to be heard before The Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution, by Joseph B. Keenan, Chief of Counsel, for a subpoena duces tecum to be issued, directed to the Legal Section of SCAP, requesting that Section to turn over to the Clerk of this Tribunal all the trial records in the YAMASHITA and HOMMA cases, for the use of the Prosecution in the trial of this case, and that the accused in this case might be afforded an opportunity to examine the same; and after hearing the arguments of Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application be and is hereby granted, as prayed.

Dated at Tokyo, Japan, this 8 October 1946.

BY THE TRIBUNAL:

(Signed) W. F. WEBB
PRESIDENT

PURL: http://www.legal-tools.org/doc/e407c3/

Paper No. 475
Disposes of
Paper No. 470

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al

- vs -

ARAKI, Sadao; et al

) ORDER, GRANTING MOTION OF
) PROSECUTION TO WITHDRAW
) APPLICATION FOR SUBPOENA
) DUCES TECUM FOR YAMASHITA
) AND HOMMA RECORDS AND
VACATING FORMER ORDER.

This matter coming on to be heard before The Honorable Sir William Webb, President of the Tribunal, upon the motion of the Prosecution, by Joseph B. Keenan, Chief of Counsel, to withdraw the application heretofore made by the Prosecution on 7 October 1946 (Paper No. 458) for a subpoena duces tecum to be issued, directed to the Legal Section of SCAP, requesting that Section to turn over to the Clerk of this Tribunal all the trial records in the YAMASHITA and HOMMA cases; and after hearing the arguments of Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That the motion to withdraw said application for a subpoena duces tecum is hereby granted, and it is

FURTHER ORDERED: That the former order of this Tribunal, made and entered 8 October 1946, granting said application for a subpoena duces tecum, which is Paper No. 464, be and the same is hereby vacated.

Dated at Tokyo, Japan, this 16 October 1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb

PURL: http://www.legal-tools.org/doc/e4814e/

Paper No. 480
Disposes of
Paper No. 422 and
Corrects Paper No.459

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA: et al) ORDER,
) GRANTING APPLICATION OF
- vs -) PROSECUTION FOR EXEMPTION
) FROM RULE 6(B)(1) WITH
ARAKI, Sadao; et al) RESPECT TO COURT EXHIBIT
NO. 58.

This matter coming on to be heard before The Honorable Sir William Webb, President of the Tribunal, upon the application of Prosecution for an order of exemption from the provisions of Rule 6(b)(1) of the Rules of Procedure of the International Military Tribunal for the Far East, with respect to Court Exhibit No. 58, portions of which the Prosecution intend to be adduced in evidence, so as to permit the Prosecution to serve upon the accused, or their Counsel, copies of excerpts, only, from said document, in both the Japanese and the English language, in the place and stead of the entire original document; and it appearing to the Tribunal that an agreement has been reached and entered into between Counsel for the Prosecution and Counsel for the accused, as to the specific excerpts to be processed and served by and on behalf of the Prosecution for its own use, as set forth in the application, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application be and is hereby

PURL: http://www.legal-tools.org/doc/9eecac/

granted, as prayed, and as agreed upon between respective Counsel; and it is further

ORDERED: That the Prosecution shall also prepare and furnish Counsel for the accused, copies of such additional parts or sections, in both the Japanese and the English language, from the afore-mentioned document, as have been mutually agreed upon by and between Counsel for the Prosecution and Counsel for the accused; and it is further

ORDERED: That the order of the Tribunal (Paper No. 459) made and entered on the 4th October 1946, be vacated, and this order be entered in the place and stead thereof nunc pro tunc.

Dated at Tokyo, Japan, this 15 October 1946.

BY THE TRIBUNAL:

/s/ W.F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/9eecac/

Paper No. 481
Disposes of
Paper No. 444 and
Corrects Paper No. 460

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al
- vs -
ARAKI, Sadao; et al

) ORDER,
) GRANTING APPLICATION OF
) PROSECUTION FOR EXEMPTION
) FROM RULE 6(B)(1) WITH
) RESPECT TO COURT EXHIBIT
) NO. 174.

This matter coming on to be heard before The Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution for an order of exemption from the provisions of Rule 6(b)(1) of the Rules of Procedure of the International Military Tribunal for the Far East, with respect to Court Exhibit No. 174, portions of which the Prosecution intend to be adduced in evidence, so as to permit the Prosecution to serve upon the accused or their Counsel, copies of excerpts, only, from said document, in both the Japanese and the English language, in the place and stead of the entire original document; and after hearing the arguments of Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application be and is hereby granted, as prayed; and it is further

ORDERED: That the Prosecution shall also prepare and furnish to Counsel for the accused, copies of additional parts or sections, in both the Japanese and the English language, from the afore-mentioned document, as follows:

PURL: http://www.legal-tools.org/doc/e3c170/

(1) Beginning on page 1088 at line 5, to page 1089 at line 3.

(2) Beginning on page 1089 at line 19, to page 1090 at line 5.

(3) Beginning on page 1091 at line 9, to line 15 of the same page.

(4) Beginning on page 1101 at line 20, to page 1102 at line 17.

(5) Beginning on page 1114 at line 2, to page 1115 at line 7.

(6) Beginning on page 1119, the last paragraph thereof, and continuing to page 1120 at line 5.

(7) Beginning on page 1133, the entire second paragraph thereof.

(8) Beginning on page 1189 at line 11, to page 1190 at line 7.

(9) Beginning on page 1472 at line 2, to line 23 of the same page.

(10) All of page 1136 to the end of page 1165, consisting of approximately 30 pages.

And it is further

ORDERED: That the order of the Tribunal (Paper No. 460) made and entered on the 4th October 1946, be vacated, and this order be entered in the place and stead thereof nunc pro tunc.

Dated at Tokyo, Japan, this 15 October 1946.

BY THE TRIBUNAL:

/s/ W.F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/e3c170/

Paper No. 482
Disposes of
Paper No. 457

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al
- vs -
ARAKI, Sadao; et al

ORDER, GRANTING APPLICATION OF PROSECUTION FOR EXEMPTION FROM RULE 6(B)(1) WITH RESPECT TO PROSECUTION'S DOCUMENTS NOS. 487, 1112, 2339 AND 2611.

This matter coming on to be heard before The Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution for an order of exemption from the provisions of Rule 6(b)(1) of the Rules of Procedure of the International Military Tribunal for the Far East, with respect to Prosecution Section documents Nos. 487, 1112, 2339 and 2611, portions of which the Prosecution intend to be adduced in evidence, so as to permit the Prosecution to serve upon the accused or their Counsel, copies of excerpts, only, from said document, in both the Japanese and the English language, in the place and stead of the entire original document; and after hearing the arguments of Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application be and is hereby granted as prayed; and it is further

ORDERED: That Prosecution Section document No. 1112 be amended to insert the word "draft" at the head of the

PURL: http://www.legal-tools.org/doc/1e1065/

title in that document and also in the excerpts prepared by the Prosecution; and it is further

ORDERED: That the Prosecution shall also prepare and furnish to Counsel for the accused, copies of additional parts or sections, in both the Japanese and the English language, from Prosecution Section document No. 2611 as follows:

The first page, being the title page, of the said document, and all of the preface to said document, consisting of approximately seven pages.

Dated at Tokyo, Japan, this 15 October 1946.

BY THE TRIBUNAL:

/s/ W.F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/1e1065/

Paper No. 483
Disposes of
Paper No. 469

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	) ORDER
	) GRANTING APPLICATION OF
- vs -	) PROSECUTION FOR LEAVE
	) TO PRESENT THE EVIDENCE
ARAKI, Sadao; et al	) OF JOSEPH W. BALLANTINE
	) IN A PREPARED STATEMENT.

This matter coming on to be heard before The Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution for an order of the Tribunal granting leave to have the evidence and testimony in chief of Joseph W. Ballantine, a witness to be produced on behalf of the Prosecution, presented to the Tribunal in the form of a prepared statement, in affidavit form, instead of his being directly examined orally in Open Court; and after hearing the arguments of respective Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application be and is hereby granted, as prayed; and it is further

ORDERED: That said application is granted under the term that at least ten days before Mr. Ballantine is called as a witness, the Defense shall be tendered a copy of his prepared statement.

Dated at Tokyo, Japan, this 15 October 1946.

BY THE TRIBUNAL:

/s/ W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/a72629/

Recd 4 Nov
para 2(g)

Paper No. 484
Disposes of
Paper No. 467.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al
- vs -
ARAKI, Sadao; et al

) ORDER,
) GRANTING APPLICATION OF
) THE ACCUSED KIMURA,
) HEITARO, FOR THE
) PRODUCTION OF CAPTAIN
TAZUMI, ET AL, AS
WITNESSES ON HIS BEHALF,
AND CERTAIN ENUMERATED
DOCUMENTS

This matter coming on to be heard before The Honorable Sir William Webb, President of the Tribunal, upon the application of the accused KIMURA, Heitaro, by his Counsel of record, in accordance with, and by virtue of, Article 9(e) of the Charter, for an order of the Tribunal for the production of the following named witnesses and enumerated documents, for and on behalf of the said accused KIMURA, Heitaro, and necessary to his defense:

1. Captain TAZUMI, whose given or other names are unknown;

2. Major IKEJIRI, Bin;

3. Major General ICHIDA, Jiro;

4. Major General TANAKA, Ryukichi;

and the following documents:

5. The order of the Vice Minister of War, being Army Secret No. 2190 dated 28 July 1942;

6. The order of the Vice Chief of the General Staff, being General Staff Secret Order No. 383-1;

PURL: http://www.legal-tools.org/doc/be0dbb/

7. The Manual of Military Law, published by His Majesty's Stationery Office, London, England;
and the Tribunal hearing the arguments of Counsel and being fully advised in the premises, it is

ORDERED: That said application be and is hereby granted, as prayed; both as to witnesses and documents; and that a summons be issued forthwith, by the Secretary of the Tribunal, commanding respectively the said Captain TAZUMI and Major IKEJIRI, Bin and Major General ICHIDA, Jiro and Major General TANAKA, Ryukichi to attend and testify before the Tribunal as a witness for the defendant KIMURA, Heitaro; and

That the proper officer of the International Prosecution Section forthwith produce, and lodge with the Clerk of the Tribunal, the said documents enumerated in said application, to-wit:

5. Vice Minister of War's Order concerning the treatment of enemy air crew members who made air raids upon Japan, being Army Secret No. 2190 of 28 July 1942;

6. Vice Chief of the General Staff's Order concerning the treatment of enemy air crew members who made air raids upon Japan, being General Staff Secret Order No. 383-1;

7. Manual of Military Law, published by His Majesty's Stationery Office, London, England;
for the use and benefit of the accused KIMURA, Heitaro and of the Defense Section.

Dated at Tokyo, Japan, this 18 October 1946.

BY THE TRIBUNAL:

/s/ W.F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/be0dbb/

Paper No. 485
Disposes of
Paper No. 479.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	) ORDER, GRANTING
	) APPLICATION OF THE
- vs -	) ACCUSED HATA, SHUNROKU,
	) FOR THE PRODUCTION OF
ARAKI, Sadao; et al	) LT. GEN. MATSUI, TAKURO, ET AL, AS WITNESSES ON HIS BEHALF.

This matter coming on to be heard before The Honorable Sir William Webb, President of the Tribunal, upon the application of the accused HATA, Shunroku, by his Counsel of record, in accordance with, and by virtue of, Article 9(e) of the Charter, for an order of the Tribunal for the production of the following named witnesses for and on the behalf of the said accused HATA, Shunroku, and necessary to his defense:

1. Lieutenant General MATSUI, Takuro;
2. Lieutenant General SAWADA, Shigeru;
3. Lieutenant General KAWABE, Shozo;
4. Lieutenant General HARADA, Kumakichi;
5. General OKAMURA, Neiji;

and the Tribunal hearing the arguments of Counsel and being fully advised in the premises, it is

ORDERED: That the said application be and is hereby granted, as prayed; and that a summons be issued forthwith, by the Secretary of the Tribunal, commanding

PURL: http://www.legal-tools.org/doc/be0dbb/

respectively the said Lieutenant General MATSUI, Takura and Lieutenant General SAWADA, Shigeru and Lieutenant General KAWABE, Shozo and Lieutenant General HARADA, Kumakichi and General OKAMURA, Neiji, to attend and testify before the Tribunal as witnesses for and on behalf of the defendant HATA, Shunroku.

Dated at Tokyo, Japan, this 18 October 1946.

BY THE TRIBUNAL:

Signed W. F. WEBB
PRESIDENT

PURL: http://www.legal-tools.org/doc/be0dbb/

Paper No. 489
Disposes of
Paper No. 474.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. I

THE UNITED STATES OF AMERICA; et al
- vs -
ARAKI, Sadao, et al

) ORDER
) GRANTING APPLICATION
) OF PROSECUTION FOR
) EXEMPTION FROM RULE
) 6(B)(1) WITH RESPECT
) TO PROSECUTION DOCUMENTS
NOS. 1618, 903, AND
FOUR OTHERS

This matter coming on to be heard before The Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution for an order of exemption from the provisions of Rule 6(b)(1) of the Rules of Procedure of the International Military Tribunal for the Far East, with respect to International Prosecution Section documents numbered 1618, 903, 1124, 891, 9015, and 1458, portions of which the Prosecution intend to be adduced in evidence, so as to permit the Prosecution to serve upon the accused or their Counsel, copies of excerpts, only, from said documents, in both the Japanese and the English language, in the place and stead of the entire original documents; and after hearing the arguments of Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application be and is hereby granted, as prayed; and it is further

ORDERED: That the Prosecution shall also prepare and furnish Counsel for the accused, copies of such

PURL: http://www.legal-tools.org/doc/be0dbb/

additional parts or sections, in both the Japanese and English language, from the afore-mentioned documents enumerated as follows:

(1) From Prosecution Section document No. 903--- The publisher's note on the outside of the front page of said document.

(2) From Prosecution Section document No. 801--- All of the last 2 pages, being pages 96 and 97 of the text from which the Prosecution's excerpt is taken, of the original book regarding the Imperial Ratification of the London Naval Treaty of 1930, dated 1 October 1934.

(3) From Prosecution Section Document No. 9015--- All of page 2 of the said pamphlet entitled "Report on Japanese Navy Arsenals" from which the Prosecution's excerpt is taken.

Dated at Tokyo, Japan, this 22 October 1946.

BY THE TRIBUNAL:

/s/ W.F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/be0dbb/

Received Nov 6 para 2(g)

Paper No. 484
Disposes of
Paper No. 467.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al
- vs -
ARAKI, Sadao; et al

) ORDER,
) GRANTING APPLICATION OF
) THE ACCUSED KIMURA,
) HEITARO, FOR THE
) PRODUCTION OF CAPTAIN
TAZUMI, ET AL, AS
WITNESSES ON HIS BEHALF,
AND CERTAIN ENUMERATED
DOCUMENTS

This matter coming on to be heard before The Honorable Sir William Webb, President of the Tribunal, upon the application of the accused KIMURA, Heitaro, by his Counsel of record, in accordance with, and by virtue of, Article 9(e) of the Charter, for an order of the Tribunal for the production of the following named witnesses and enumerated documents, for and on behalf of the said accused KIMURA, Heitaro, and necessary to his defense:

1. Captain TAZUMI, whose given or other names are unknown;

2. Major IKEJIRI, Bin;

3. Major General ICHIDA, Jiro;

4. Major General TANAKA, Ryukichi;

and the following documents:

5. The order of the Vice Minister of War, being Army Secret No. 2190 dated 28 July 1942;

6. The order of the Vice Chief of the General Staff, being General Staff Secret Order No. 383-1;

PURL: http://www.legal-tools.org/doc/143f95/

7. The Manual of Military Law, published by His Majesty's Stationery Office, London, England;
and the Tribunal hearing the arguments of Counsel and being fully advised in the premises, it is

ORDERED: That said application be and is hereby granted, as prayed; both as to witnesses and documents; and that a summons be issued forthwith, by the Secretary of the Tribunal, commanding respectively the said Captain TAZUMI and Major IKEJIRI, Bin and Major General ICHIDA, Jiro and Major General TANAKA, Ryukichi to attend and testify before the Tribunal as a witness for the defendant KIMURA, Heitaro; and

That the proper officer of the International Prosecution Section forthwith produce, and lodge with the Clerk of the Tribunal, the said documents enumerated in said application, to-wit:

5. Vice Minister of War's Order concerning the treatment of enemy air crew members who made air raids upon Japan, being Army Secret No. 2190 of 28 July 1942;

6. Vice Chief of the General Staff's Order concerning the treatment of enemy air crew members who made air raids upon Japan, being General Staff Secret Order No. 383-1;

7. Manual of Military Law, published by His Majesty's Stationery Office, London, England;
for the use and benefit of the accused KIMURA, Heitaro and of the Defense Section.

Dated at Tokyo, Japan, this 18 October 1946.

BY THE TRIBUNAL:

/s/ W.F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/143f95/

Paper No. 485
Disposes of
Paper No. 479.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	) ORDER, GRANTING
	) APPLICATION OF THE
- vs -	) ACCUSED HATA, SHUNROKU,
	) FOR THE PRODUCTION OF
ARAKI, Sadao; et al	) LT. GEN. MATSUI, TAKURO, ET AL, AS WITNESSES ON HIS BEHALF.

This matter coming on to be heard before The Honorable Sir William Webb, President of the Tribunal, upon the application of the accused HATA, Shunroku, by his Counsel of record, in accordance with, and by virtue of, Article 9(e) of the Charter, for an order of the Tribunal for the production of the following named witnesses for and on the behalf of the said accused HATA, Shunroku, and necessary to his defense:

1. Lieutenant General MATSUI, Takuro;
2. Lieutenant General SAWADA, Shigeru;
3. Lieutenant General KAWABE, Shozo;
4. Lieutenant General HARADA, Kumakichi;
5. General OKAMURA, Neiji;

and the Tribunal hearing the arguments of Counsel and being fully advised in the premises, it is

ORDERED: That the said application be and is hereby granted, as prayed; and that a summons be issued forthwith, by the Secretary of the Tribunal, commanding

PURL: http://www.legal-tools.org/doc/09482e/

respectively the said Lieutenant General MATSUI, Takura and Lieutenant General SAWADA, Shigeru and Lieutenant General KAWABE, Shozo and Lieutenant General HARADA, Kumakichi and General OKAMURA, Neiji, to attend and testify before the Tribunal as witnesses for and on behalf of the defendant HATA, Shunroku.

Dated at Tokyo, Japan, this 18 October 1946.

BY THE TRIBUNAL:

Signed W. F. WEBB
PRESIDENT

PURL: http://www.legal-tools.org/doc/09482e/

Paper No. 489
Disposes of
Paper No. 474.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. I

THE UNITED STATES OF AMERICA; et al
- vs -
ARAKI, Sadao, et al

) ORDER
) GRANTING APPLICATION
) OF PROSECUTION FOR
) EXEMPTION FROM RULE
) 6(B)(1) WITH RESPECT
) TO PROSECUTION DOCUMENTS
NOS. 1618, 903, AND
FOUR OTHERS

This matter coming on to be heard before The Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution for an order of exemption from the provisions of Rule 6(b)(1) of the Rules of Procedure of the International Military Tribunal for the Far East, with respect to International Prosecution Section documents numbered 1618, 903, 1124, 891, 9015, and 1458, portions of which the Prosecution intend to be adduced in evidence, so as to permit the Prosecution to serve upon the accused or their Counsel, copies of excerpts, only, from said documents, in both the Japanese and the English language, in the place and stead of the entire original documents; and after hearing the arguments of Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application be and is hereby granted, as prayed; and it is further

ORDERED: That the Prosecution shall also prepare and furnish Counsel for the accused, copies of such

PURL: http://www.legal-tools.org/doc/61d37e/

additional parts or sections, in both the Japanese and English language, from the afore-mentioned documents enumerated as follows:

(1) From Prosecution Section document No. 903--- The publisher's note on the outside of the front page of said document.

(2) From Prosecution Section document No. 801--- All of the last 2 pages, being pages 96 and 97 of the text from which the Prosecution's excerpt is taken, of the original book regarding the Imperial Ratification of the London Naval Treaty of 1930, dated 1 October 1934.

(3) From Prosecution Section Document No. 9015--- All of page 2 of the said pamphlet entitled "Report on Japanese Navy Arsenals" from which the Prosecution's excerpt is taken.

Dated at Tokyo, Japan, this 22 October 1946.

BY THE TRIBUNAL:

/s/ W.F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/61d37e/

Paper No. 492
Vacating Paper No. 447
and Making New Order

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al
- vs -
ARAKI, Sadao; et al

ORDER, IN RE:-THE PRODUCTION OF WITNESSES AND OF DOCUMENTS FOR THE DEFENSE, UNDER CHARTER PROVISION, --SECTION III, ARTICLE 9, PARAGRAPH E, AND VACATING ORDER OF 26 SEPTEMBER 1946.

1. This matter coming on for consideration by the Tribunal upon its own initiation this 24 October 1946, to ascertain and determine the procedure for the production of witnesses and documents for and on behalf of the Accused, and each of them, under and by virtue of the provisions of Section III, Article 9, Paragraph E, of the Charter of the International Military Tribunal for the Far East; it is

2. ORDERED: That each Accused in this case shall, by his respective Counsel of record, make application in writing to the Tribunal for the production of such witnesses and of such documents as he may desire for and on behalf of his defense, under and according to the provisions of Section III, Article 9, Paragraph E, of the Charter of the Tribunal, and

3. The Tribunal will hear and determine the said applications of the respective accused in the Conference Room of the Tribunal at 0900 hours, in manner, and on the dates, here prescribed:-

PURL: http://www.legal-tools.org/doc/56c7e5/

On Monday, 11 November 1946, the applications of the accused: ARAKI, Sadao; DOHIHARA, Kenji; HASHIMOTO, Kingoro; and HATA, Shunroku; which applications shall be filed with the General Secretary of the Tribunal not later than 1700 hours on 4 November 1946.

On Wednesday, 13 November 1946, the applications of the accused: HIRANUMA, Kiichiro; HIROTA, Koki; HOSHINO, Naoki; and ITAGAKI, Seishiro; which applications shall be filed with the General Secretary of the Tribunal not later than 1700 hours on 6 November 1946.

On Friday, 15 November 1946, the applications of the accused: KAYA, Okinori; KIDO, Koichi; KIMURA, Heitaro; and KOISO, Kuniaki; which applications shall be filed with the General Secretary of the Tribunal not later than 1700 hours on 8 November 1946.

On Monday, 18 November 1946, the applications of the accused: MATSUI, Iwane; MINAMI, Jiro; MUTO, Akira; and NAGANO, Osami; which applications shall be filed with the General Secretary of the Tribunal not later than 1700 hours on 11 November 1946.

On Wednesday, 20 November 1946, the applications of the accused: OKA, Takasumi; OKAWA, Shumei; OSHIMA, Hiroshi; and SATO, Kenryo; which applications shall be filed with the General Secretary of the Tribunal not later than 1700 hours on 13 November 1946.

On Friday, 22 November 1946, the applications of the accused: SHIGEMITSU, Mamoru; SHIMADA, Shigetaro; SHIRATORI, Toshio; and SUZUKI, Teiichi; which applications shall be filed with the General Secretary of the Tribunal not later than 1700 hours on 15 November 1946.

On Monday, 25 November 1946, the applications of the accused: TOGO, Shigenori; TOJO, Hideki; and UMEZU, Yoshijiro; which applications shall be filed with the General Secretary of the Tribunal not later than 1700 hours on 18 November 1946.

4. By agreement of Counsel for the accused and with the Tribunal's consent, the applications may be taken in an order different from that specified above.

5. Subsequent applications for witnesses or documents may be made up to one month after the evidence for the Prosecution has been closed; but such applications shall not be granted except for good cause shown; and the applicant in every case shall also satisfactorily explain why his application was not made within the time specified

PURL: http://www.legal-tools.org/doc/56c7e5/

in paragraph 3 hereof; and it is further

6. ORDERED: That the former Order of this Tribunal, made and entered 26 September 1946, for the production of witnesses and documents for the Defense, which is Paper No. 447, be and the same is hereby vacated.

Dated at Tokyo, Japan, this 24 October 1946.

BY THE TRIBUNAL:

/s/ W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/56c7e5/

Paper No. 502

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	ORDER
	IN RE: - PROSECUTION
- vs -	WITNESS LT. COLONEL
	P. F. TERIOSHKIN.
ARAKI, Sadao; et al	

This matter coming on for consideration in Open Court by the Tribunal, upon the oral application of the Prosecution for an order granting the permission of the Tribunal for Lt. Colonel P. F. Terioshkin, a witness heretofore produced for and on behalf of the Prosecution, and whose evidence has been given before the Court, to leave the jurisdiction of the Tribunal and return to Russia; and the Defense orally admitting that it had no objection to the said Lt. Colonel P.F. Terioshkin so leaving, on the usual terms; and the Tribunal being fully advised in the premises, it is

ORDERED: That the said Lt. Colonel P.F. Terioshkin may forthwith leave Japan, on the usual terms.

Dated at Tokyo, Japan, this 29 October 1946.

BY THE TRIBUNAL:

/s/ W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/3a2b49/

Paper No. 509
Disposes of Paper No. 501 and
Disposes of, and withdraws,
Paper No. 253 and Paper No. 299

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

Rec'd 15 Nov
2(a)

THE UNITED STATES OF AMERICA; et al	) ORDER,
	) GRANTING APPLICATION OF
- vs -	) PROSECUTION FOR LEAVE TO
	) WITHDRAW PROSECUTION APPLI-
ARAKI, Sadao; et al	) CATIONS PAPER NO. 253 AND
	PAPER NO. 299.

This matter coming on to be heard before The Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution, Paper No. 501, for an order to withdraw and strike from the files of the Clerk of the Tribunal, those two applications heretofore made and filed by the Prosecution under Rule 6(b)(1) of the Rules of Procedure of the International Military Tribunal for the Far East, as follows:

1. Application dated the first day of July 1946, marked as Paper No. 253 in the files of the Clerk of the Tribunal;

2. Application dated the day of July 1946, marked as Paper No. 299 in the files of the Clerk of the Tribunal;

and after hearing the arguments of Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application be and is hereby granted, as prayed; and that said applications of the

PURL: http://www.legal-tools.org/doc/dffc3f/

Prosecution, marked as Paper No. 253 and as Paper No. 299, be and are hereby withdrawn and stricken from the files of the Tribunal.

Dated at Tokyo, Japan, this 31 October 1946.

BY THE TRIBUNAL:

Signed: W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/dffc3f/

Paper No. 510

INTERNATIONAL MILITARY TRIBUNAL FOR
THE FAR EAST SITTING AT TOKYO, JAPAN

Case No. 1

UNITED STATES OF AMERICA: et al

- vs -

ARAKI, Sadao; et al

ORDER:
GRANTING APPLICATION OF THE ACCUSED, - IN OPEN COURT - FOR PRODUCTION OF DOCUMENTS UNDER SECTION III, ARTICLE 9, PARAGRAPH E OF THE CHARTER.

This matter coming on to be heard this 31 October 1946, by the Tribunal in Open Court, upon the application of the accused by their Counsel of record, under and by virtue of the provisions of Section III, Article 9, Paragraph (e), of the Charter of the International Military Tribunal for the Far East, for an order of the Tribunal for the production of the entire and complete original documents and basic materials, and each and all of them,— from which the Research Report No. 131, dated 1 December 1945, entitled: "Japan's Decision to Fight", of the Allied Translator and Interpreter Section of General Headquarters of Supreme Command Allied Powers, Tokyo, Japan, being Court Exhibit No. 809, was compiled and which are set forth therein in full or in part,— for the use and benefit of the accused, and each of them, (and necessary for their proper defense;) and the Tribunal hearing the arguments and statements of Counsel; and being fully advised in the premises, and it appearing that said documents are now in the Washington Document Center of the United States Government, Stuart Building, Washington, D. C.,

PURL: http://www.legal-tools.org/doc/762dfb/

ORDERED: That the application be, and is hereby granted, as prayed, and the entire and complete original documents and basic materials, or photostat copies thereof, be produced forthwith by the proper authority or custodian thereof in the Washington Document Center of the United States Government in Washington, D. C., and lodged with the Clerk of this Tribunal in the Registry of the Tribunal in Tokyo, Japan, for the use and benefit of the accused, and each of them.

Dated at Tokyo, Japan, this 31 October 1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb
PRESIDENT OF THE TRIBUNAL

OPINION:

It is the opinion of the Tribunal that a copy of said Court Exhibit 809, to wit: Research Report No. 131, dated 1 December 1945, entitled "Japan's Decision to Fight", be attached hereto to aid in the identification of the said original documents and materials required to be produced hereunder; together with a memorandum of such other information and data as may aid in tracing and locating said documents.

BY THE TRIBUNAL:

(Signed) W. F. Webb
PRESIDENT OF THE TRIBUNAL

PURL: http://www.legal-tools.org/doc/762dfb/

Record
Nov. 15
2(a)

Paper No. 511
Amends Order, Paper No. 492,
as respects Hashimoto, Kingoro

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al - vs - ARAKI, Sadao; et al	ORDER, AMENDING ORDER OF THE TRIBUNAL MADE 24 OCTOBER 1946 IN RE PRODUCTION OF WITNESSES AND DOCUMENTS FOR THE DEFENSE, IN RESPECT TO HASHIMOTO, KINGORO, ONLY.

This matter coming on to be heard ex parte before The Honorable Sir William Webb, President of the Tribunal, upon the oral application of the accused, HASHIMOTO, Kingoro, by his Counsel of record, for an order amending Paragraph 3 of that certain Order of the Tribunal, Paper No. 492, heretofore made and entered on 24 October 1946, by deleting the name of the said HASHIMOTO, Kingoro, from the list of applications of the accused to be heard by the Tribunal on Monday, 11 November 1946, and by inserting the name of the said HASHIMOTO, Kingoro, in the list of the applications of the accused to be heard by the Tribunal on Monday, 25 November 1946; and after hearing the arguments of Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application be granted; and that the name of the accused HASHIMOTO, Kingoro, be deleted from the list of applications of the accused to be heard by the Tribunal on Monday, 11 November 1946, and be added

PURL: http://www.legal-tools.org/doc/bf17e6/

to the list of applications of the accused to be heard by the Tribunal on Monday, 25 November 1946, upon the terms, conditions and impositions made and provided relative to said applications; and that said Paragraph 3 of said Order of the Tribunal shall now read as follows:

3. The Tribunal will hear and determine the said applications of the respective accused in the Conference Room of the Tribunal at 0900 hours, in manner, and on the dates, here prescribed:-

On Monday, 11 November 1946, the applications of the accused: ARAKI, Sadao; DOHIHARA, Kenji; and HATA, Shunroku; which applications shall be filed with the General Secretary of the Tribunal not later than 1700 hours on 4 November 1946.

On Wednesday, 13 November 1946, the applications of the accused; HIRANUMA, Kiichiro; HIROTA, Koki; HOSHINO, Naoki; and ITAGAKI, Seishiro; which applications shall be filed with the General Secretary of the Tribunal not later than 1700 hours on 6 November 1946.

On Friday, 15 November 1946, the applications of the accused: KAYA, Okinori; KIDO, Koichi; KIMURA, Heitaro; and KOISO, Kuniaki; which applications shall be filed with the General Secretary of the Tribunal not later than 1700 hours on 8 November 1946.

On Monday, 18 November 1946, the applications of the accused: MATSUI, Iwane; MINAMI, Jiro; MUTO, Akira; and NAGANO, Osami; which applications shall be filed with the General Secretary of the Tribunal not later than 1700 hours on 11 November 1946.

On Wednesday, 20 November 1946, the applications of the accused: OKA, Takasumi; OKAWA, Shumei; OSHIMA, Hiroshi; and SATO, Kenryo; which applications shall be filed with the General Secretary of the Tribunal not later than 1700 hours on 13 November 1946.

On Friday, 22 November 1946, the applications of the accused; SHIGEMITSU, Mamoru; SHIMADA, Shigetaro; SHIRATORI, Toshio; and SUZUKI, Teiichi, which applications shall be filed with the General Secretary of the Tribunal not later than 1700 hours on 15 November 1946.

On Monday, 25 November 1946, the applications of the accused: TOGO, Shigenori; TOJO, Hideki; UMEZU, Yoshijiro; and HASHIMOTO, Kingoro; which

PURL: http://www.legal-tools.org/doc/bf17e6/

applications shall be filed with the General Secretary of the Tribunal not later than 1700 hours on 18 November 1946;

and, it is further

ORDERED: That in each and all respects, except as to Paragraph 3 which shall be as here amended, the said Order of the Tribunal of 24 October 1946, shall be, and remain as originally made, signed and entered.

Dated at Tokyo, Japan, this 1 November 1946.

BY THE TRIBUNAL:

Signed: W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/bf17e6/

Paper No. 513

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al - vs - ARAKI, Sadao; et al	) APPLICATION FOR LEAVE) TO EMPLOY AKIRA, TORI-) SAWA, A TRIBUNAL TRANS-) LATOR AND INTERPRETER,) TO ASSIST THE ASSOCIATE PROSECUTOR FOR THE NETHERLANDS IN THE TRANSLATION OF PROSECU- TION DOCUMENTS

The above-named prosecutors do hereby apply to the International Military Tribunal for the Far East for permission to use the services of AKIRA TORISAWA in the preparation of translations of documents which the Prosecution intends to be adduced in evidence in the presentation of its case before this Tribunal.

The Prosecution represents to the Tribunal:

1. That in the preparation of the phase of its case dealing with the subject "Relations with the Netherlands", which phase will be presented under the direction of Major General Borgerhoff Mulder, the Associate Prosecutor representing the Kingdom of the Netherlands, the services of competent and experienced persons conversant with the Dutch, Japanese and English languages are required for the translation of documents and the interviewing of prospective witnesses.

2. That only one person possessing the qualifications required is available to the Prosecution, i.e. S. Asakura, who is now employed by the Prosecution as a Translator, and other persons cannot with the exercise of diligence be procured by the Prosecution in time for the preparation of the evidence it expects to adduce before this

PURL: http://www.legal-tools.org/doc/0e3962/

Tribunal in the phase of the case hereinbefore mentioned.

3. That AKIRA TORISAWA is a person possessing the qualifications necessary to the translations and interpretations required by the Prosecution in the preparation of the evidence it expects to adduce before this Tribunal.

4. That said AKIRA TORISAWA is now employed in the Language Section of the Secretariat of this Tribunal, and it is expected that he will serve the Tribunal as an interpreter and translator in the interpretation of the testimony of Dutch speaking witnesses to appear before the Tribunal.

5. That said AKIRA TORISAWA cannot be employed by the Prosectuion for the performance of the services above mentioned unless said employment is with the full knowledge and permission of the Tribunal.

6. That the performance of the services required of said AKIRA TORISAWA by the Prosecution will be fully completed before his services as a translator and interpreter for the Tribunal are required and will in no way interfere with or prejudice the performance of the duties he is expected to perform for the Tribunal.

7. The Prosecution submits that the services required of the said AKIRA TORISAWA by the Prosecution are not in any manner inconsistent with the services which he is expected to perform at a later date as a translator and interpreter for the Tribunal and will not disqualify him from serving in the capacity of an official interpreter and translator for the Tribunal.

Dated at Tokyo, Japan, this 1 November 1946.

/s/ JOSEPH B. KEENAN
JOSEPH B. KEENAN
Chief of Counsel

/s/ MAJOR GEN. BORGERHOFF MULDER
MAJOR GEN. BORGERHOFF MULDER
Associate Prosecutor of the
Kingdom of the Netherlands

PURL: http://www.legal-tools.org/doc/0e3962/

Reed
the Hon 22
para 2.

Paper No. 534

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

UNITED STATES OF AMERICA; et al	) ORDER, IN RE:-
	) PROSECUTION WITNESSES
- vs -	) MAJOR GENERAL MATSUMURA,
	) TOMOKATSU; AND COLONEL
ARAKI, Sadao; et al	) SEJIMA, RUISO.

This matter coming on this 6 November 1946 for hearing and consideration by the Tribunal in Open Court upon the oral application of the Prosecution for an order granting the permission of the Tribunal for Major General MATSUMURA, Tomokatsu and Colonel SEJIMA, Ruiso, witnesses heretofore produced for and on behalf of the Prosecution in the trial of this case, and whose evidence has been given before the Court, to leave the jurisdiction of the Tribunal and return to Russia; and the Defense orally admitting that it has no objection to the return to Russia of the said Major General MATSUMURA, Tomokatsu, upon the term and condition that he will again be produced before this Tribunal when his testimony is necessary, and no objection to the return to Russia of the said Colonel SEJIMA, Ruiso, and consenting to the granting of said oral application of the Prosecution and the making and issuance of an order of the Tribunal thereunder; and the Tribunal being fully advised in the premises; it is the unanimous decision of the Tribunal, and it is

PURL: http://www.legal-tools.org/doc/0db5ec/

ORDERED: That the said Major General MATSUMURA, Tomokatsu, and the said Colonel SEJIMA, Ruiso, may forthwith leave Japan, on the usual terms.

Dated at Tokyo, Japan, this 6 November 1946.

BY THE TRIBUNAL:

/s/ W.F. WEBB
PRESIDENT OF THE TRIBUNAL

PURL: http://www.legal-tools.org/doc/0db5ec/

Paper No. 543
Disposes of
Paper No. 513

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

UNITED STATES OF AMERICA; et al	ORDER:
- vs -	GRANTING APPLICATION OF
	PROSECUTION FOR LEAVE TO
ARAKI, Sadao; et al	EMPLOY TRIBUNAL TRANSLATOR
	AKIRA TORISAWA.

This matter coming on this 8 November 1946 for hearing before The Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution (Paper No. 513) for an Order of the Tribunal granting permission to the Prosecution to use the services of Akira Torisawa, at present an employee in the Language Section of the Secretariat of this Tribunal, as a translator in that phase of the Prosecution's case in chief dealing with the subject "Relations With the Netherlands"; and after hearing the arguments of Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application be and is hereby granted, as prayed.

Dated at Tokyo, Japan, this 8 November 1946.

BY THE TRIBUNAL:

/s/ W. F. Webb
PRESIDENT OF THE TRIBUNAL

PURL: http://www.legal-tools.org/doc/4cfa10/

Paper No. 568
Disposes of
Paper No. 533

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al)	ORDER
)	GRANTING APPLICATION OF
- vs -)	PROSECUTION FOR EXEMPTION
)	FROM RULE 6(B)(1) WITH
ARAKI, Sadao; et al)	RESPECT TO PROSECUTION
	SECTION DOCUMENTS NOS.
	15, 102, 220 AND TWELVE
	OTHERS.

This matter coming on to be heard this 15 November 1946 before The Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution for an order of exemption from the provisions of Rule 6(b)(1) of the Rules of Procedure of the International Military Tribunal for the Far East, with respect to International Prosecution Section documents Nos. 15, 102, 220, 468, 587-A, 821, 823, 1038, 1204, 1555, 1621, 1987, 2402, 2612 and 2674, portions of which the Prosecution intend to be adduced in evidence, so as to permit the Prosecution to serve upon the accused or their Counsel, copies of excerpts, only, from said documents, in both the Japanese and the English language, in the place and stead of the entire original documents; and after hearing the arguments of Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application be and is hereby granted, as prayed; and it is further

PURL: http://www.legal-tools.org/doc/e92143/

ORDERED: That the Prosecution shall also prepare and furnish Counsel for the accused, copies of an additional part or section, in both the Japanese and the English language, from the afore-mentioned Prosecution Section document No. 1204, which is also known as Court Exhibit No. 51, as follows:

The entire preamble or introduction to the said document, in addition to the excerpt from said book or document applied for herein by the Prosecution.

Dated at Tokyo, Japan, this 15 November 1946.

BY THE TRIBUNAL:

Signed

W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/e92143/

Paper No. 569
Disposes of
Paper No. 540

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	ORDER,
- vs -	GRANTING APPLICATION OF PROSECUTION FOR EXEMPTION FROM RULE 6(B)(1) WITH RESPECT TO PROSECUTION DOCUMENTS NOS. 6250, 6251 ET AL.
ARAKI, Sadao; et al	

This matter coming on to be heard this 15 November 1946 before The Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution for an order of exemption from the provisions of Rule 6(b)(1) of the Rules of Procedure of the International Military Tribunal for the Far East, with respect to International Prosecution Section documents Nos. 6250, 6251, 6255-A,C, D, E, F, G, H, and I, and 6256-A and B, portions of which the Prosecution intend to be adduced in evidence, so as to permit the Prosecution to serve upon the accused or their Counsel, copies of excerpts, only, from said documents, in both the Japanese and the English language, in the place and stead of the entire original documents; and after hearing the arguments of Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application be and is hereby granted, as prayed; and it is further

ORDERED: That the Prosecution shall also prepare and furnish Counsel for the accused, copies of such additional

PURL: http://www.legal-tools.org/doc/d3f965/

parts or sections, in both the Japanese and the English language, from the afore-mentioned documents enumerated as follows:

(1) From Prosecution Section document No. 6250 --- all of said document comprising in its entirety approximately six and one-half pages.

(2) From Prosecution Section document No. 6251 --- pages 216 to 222 inclusive, of that part of said document concerning statements by Admiral Nagano at the London Naval Conference 1935, from a portion of which the excerpts of Prosecution are taken.

Dated at Tokyo, Japan, this 15 November 1946.

BY THE TRIBUNAL:

Signed

W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/d3f965/

Paper No. 574
Disposes of
Paper No. 570

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al
- vs -
ARAKI, Sadao; et al

) ORDER,
) GRANTING APPLICATION OF
) PROSECUTION THAT THE
) TRIBUNAL TAKE JUDICIAL
) NOTICE OF DECLARATION
OF WAR BY THE KINGDOM
OF THE NETHERLANDS.

This matter coming on to be heard this 20 November 1946, before The Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution for an order that the Tribunal take judicial notice of the fact that on 8 December 1941 the Government of the Kingdom of the Netherlands declared a State of War to exist between the Kingdom of the Netherlands and the Japanese Empire; and after hearing the arguments of Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application be and is hereby granted, as prayed; and the Tribunal hereby takes judicial notice of the fact that on 8 December 1941 the Government of the Kingdom of the Netherlands declared a State of War to exist between the Kingdom of the Netherlands and the Japanese Empire.

Dated at Tokyo, Japan, this 20 November 1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/6a981c/

Paper No. 575
Amending in part
Paper No. 167

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	) DIRECTIVE:
	) AMENDING, AS TO WITNESS
- vs -	) FEES, THAT CERTAIN DIRECTIVE
	) FROM THE TRIBUNAL TO THE
ARAKI, Sadao; et al	) GENERAL SECRETARY, DATED
	13 JUNE 1946, IN RE: SUMMONING OF WITNESSES.

Directions From the Tribunal to
the General Secretary re Summoning
of Witnesses

YOU ARE DIRECTED THAT:

The Directive of the Tribunal to the General Secretary made, signed and entered on 13 June 1946, in re: Summoning of Witnesses, be and is hereby amended by striking and deleting Paragraph (j) of said Directive, and inserting in the place and stead thereof, the following:

> (j) All witnesses, other than Japanese nationals, appearing before the Tribunal either voluntarily or in response to a summons, shall be paid for each day of actual attendance and for the time necessarily occupied in going from and returning to the place of service, and an allowance per mile for each mile traveled by the witness in going from the place of service and return, unless government transportation has been provided, at the prescribed rates of payment and upon the terms and conditions provided and set forth in United States Army Regulations 35-4120.

PURL: http://www.legal-tools.org/doc/4542e4/

IT IS FURTHER DIRECTED THAT:

In each and all respects, except as to Paragraph (j), which shall be as here amended, the said Directive of 13 June 1946, shall be and remain as originally made, signed and entered, and in full force and effect.

Dated at Tokyo, Japan, this 20 November 1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/4542e4/

THE INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

- - - - - -

Directions From the Tribunal to
the General Secretary re Summoning
of Witnesses

- - -

YOU ARE DIRECTED THAT:

(a) You will issue a summons for the appearance of a witness before the Tribunal only after the party desiring the witness has filed a written request therefor in your office. The request shall set forth the name of the witness, his nationality, the address where he resides, and any further information as to the place where he may be found, within the knowledge of the party filing the request, and shall state the date on which the witness will probably be called upon to testify before the Tribunal.

(b) Requests for summonses shall be filed with the General Secretary:

(1) Not less than three (3) days before witness' attendance before the Tribunal is required, if the witness resides or may be found in the Tokyo area of Japan; and

(2) In all other cases not less than three (3) days, plus the additional time

PURL: http://www.legal-tools.org/doc/60b0e8/

necessary to permit the server of the summons to travel from Tokyo to the place where the witness resides or may be found, and for the witness to travel from the place where he will be served with the summons, to Tokyo, before the witness' attendance before the Tribunal is required.

(c) The summons shall be in the English language and should the native language of the witness be other than English the translation of the summons in the witness' language shall be served with the copy of the summons, and the return of service shall recite that fact.

(d) Upon application and for good cause shown, the President of the Tribunal may direct by indorsement upon the request for the issuance of summons that the application shall not be open for inspection, in which event the application shall be sequestered and kept secret until the further order of the President of the Tribunal.

(e) After the summons to testify has been issued, the same may be delivered, together with a copy thereof, to the party requesting the issuance thereof, for service.

(f) The service of summons may be made by any competent person whether or not such person is

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associated with the prosecution or defense, or by the Marshal of the Tribunal, or by any other competent person designated by the Marshal or the Supreme Commander for the Allied Powers for this purpose.

(g) The summons for a witness who resides or can only be found outside the zone of occupation shall be delivered to the Supreme Commander for the Allied Powers for service in such manner as he may direct.

(h) The original summons shall be shown to the person served and a copy of the summons shall be delivered to him at the time of service. The person serving a summons shall immediately thereafter make return of service on the original summons and file the same in the office of the General Secretary. Such return shall indicate the name of the person served, time and place where service was made.

(i) The summons may be issued in blank name only upon the written order of the Tribunal after proper showing by the party desiring such blank summons, and at the time of service of said blank summons the server shall insert the name of the party summoned.

(j) All witnesses other than Japanese nationals appearing before the Tribunal either voluntarily or in response to a summons, shall be paid Two Dollars Fifty Cents ($2.50) a day for each day

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of actual attendance and for the time necessarily occupied in going from and returning to the place of service, and Fifteen Cents (15¢) a mile for each mile traveled by the witness in going from the place of service and return, unless government transportation has been provided. Mileage must be estimated by the shortest usually traveled route.

(k) No summons for the attendance of a witness shall be issued after the 1st day of August, 1946, unless the President of the Tribunal otherwise directs for good cause shown.

DATED at Tokyo, Japan, this 13 day of June, 1946.

By the Tribunal.

/s/ W. F. WEBB
PRESIDENT

PURL: http://www.legal-tools.org/doc/60b0e8/

Paper No. 576
Disposes of
Paper No. 515
In part only

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	) ORDER:
	) THAT FACILITIES TO INTERVIEW
- vs -	) CERTAIN WITNESSES REQUESTED
	) BY THE ACCUSED ARAKI BE PRO-
ARAKI, Sadao; et al	) VIDED; AND FOR THE PRODUCTION
	OF DOCUMENTS.

This matter coming on to be heard on this 12th day of November, 1946, before the Honorable Sir William Webb, President of the Tribunal, upon the application of ARAKI, Sadao, one of the defendants herein, for the production of witnesses and documents necessary to the defense of said ARAKI, Sadao, in accordance with the provisions of Section III, Article 9, Paragraph (e) of the Charter, the names of said witnesses and the description of the documents being fully set forth in said application, which is Paper No. 515; and after hearing the statements and arguments of Counsel for the said ARAKI, Sadao, and the Tribunal being fully advised in the premises, it is

ORDERED: That each of the following named persons, all of whom are Japanese nationals and may be located within the territorial limits of Japan, be produced or required to present himself at the time and place directed by the General Secretary of the Tribunal for interrogation by Counsel for the accused ARAKI to determine if his presence will be required at a later date to testify on behalf of the said ARAKI:

PURL: http://www.legal-tools.org/doc/fce658/

1. KOMURA, Sekehiko;

(a) The nationality of the witness is Japanese;

(b) He is presently in Tokyo and is a government official in the Home Office;

2. FUTARA, Yoshinori;

(a) The nationality of the witness is Japanese;

(b) He is presently in Tokyo and is a member of the Upper House;

3. KITA, Reikichi;

(a) The nationality of the witness is Japanese;

(b) He is presently in Tokyo and is a member of the Lower House;

4. YASUI, Eiji;

(a) The nationality of the witness is Japanese and an ex-Education Minister;

(b) This witness may be located in Kanagawa Prefecture;

5. SAWADA, (Mrs.) Renzo;

(a) The nationality of the witness is Japanese and the wife of the ex-Ambassador SAWADA;

(b) This witness may be located in Kanagawa Prefecture.

6. HATOYAMA, Ichiro;

(a) The nationality of the witness is Japanese and an ex-Education Minister;

7. MITSUCHI, Chuzo;

(a) The nationality of the witness is Japanese and an ex-Railway Minister;

(b) This witness may be located in Tokyo;

8. YAMAOKA, Juko;

(a) The nationality of the witness is Japanese and an ex-Lieutenant General;

(b) This witness may be located in Eihimi Prefecture;

PURL: http://www.legal-tools.org/doc/fce658/

9. MAZAKI, Jinsaburo;

(a) The nationality of the witness is Japanese and an ex-General;

(b) This witness may be located in Sugamo Prison, Tokyo;

10. HORIKIRI, Zenjiro;

(a) The nationality of the witness is Japanese and an ex-Chief of the Cabinet Secretariat;

(b) This witness may be located in Tokyo;

11. ARIYOSHI, Chuichi;

(a) The nationality of the witness is Japanese and an ex-Ambassador to China;

(b) This witness may be located in Tokyo;

12. UEDA, Kenkichi;

(a) The nationality of the witness is Japanese and an ex-General;

(b) This witness may be located in Tokyo;

13. HANEDA, Toru;

(a) The nationality of the witness is Japanese and an ex-President, Kyoto Imperial University;

(b) The witness may be located in Kyoto;

14. YONAI, Mitsumasa;

(a) The nationality of the witness is Japanese and an ex-Premier;

(b) This witness may be located in Tokyo;

15. KANAMORI, Tokujiro;

(a) The nationality of the witness is Japanese and Minister of State;

(b) This witness may be located in Tokyo;

16. IKEZAKI, Tadataka;

(a) The nationality of the witness is Japanese and an ex-Parliamentary Councillor of the Education Office;

PURL: http://www.legal-tools.org/doc/fce658/

(b) This witness may be located in Sugamo Prison, Tokyo;

17. MIZUNO, Shinko;

(a) The nationality of the witness is Japanese and is Chief of the Movie Section of the Tokyo Mainichi Newspaper;

(b) This witness may be located in Tokyo;

18. KINOSHITA, Takeshi;

(a) The nationality of the witness is Japanese and is President of the Kagoshima Newspaper;

(b) This witness may be located in Kagoshima Prefecture;

19. RYU, Kuratsugu;

(a) The nationality of the witness is Japanese and is an ex-Major General;

(b) This witness may be located at the Kumamoto Prefecture;

20. TAKAGI, Rikuro;

(a) The nationality of the witness is Japanese and is a business man;

(b) This witness may be located in Tokyo;

21. KOYAMA, Matsukichi;

(a) Ex-Minister of Justice, Tokyo;

It is further ORDERED: That every facility and assistance be provided to Counsel for the accused ARAKI to submit written interrogatories to or verbally interrogate each of the following named persons at the place where said person is now located and held:

1. MURAKAMI, Keisaki;

(a) The nationality of the witness is Japanese and an ex-Lieutenant General;

(b) This witness was in Manchuria at the end of the war and is now believed to be a prisoner of war of the Soviet Union;

PURL: http://www.legal-tools.org/doc/fce658/

2. MUDAGUCHI, Renya;

(a) The nationality of the witness is Japanese and an ex-Lieutenant General;

(b) This witness is believed to be in Singapore, having been sent there from Tokyo in September by the Allies;

It is further ORDERED: That Counsel for the accused ARAKI may submit written interrogatories to each of the following named persons listed in his application and that every facility be afforded to the said Counsel in securing the submission of said interrogatories and the answers of the witnesses thereto:

1. HUNT, Frazier;

(a) The nationality of the witness is American and a journalist;

(b) This witness was a special correspondent for the International News Service in Japan during the year 1932 and is believed to be at present in the United States of America;

2. PIGGOT, Major General;

(a) The nationality of the witness is British and is an ex-Military Attache to the British Embassy in Japan;

(b) This witness may be located in London;

3. LINDLEY, ex-Ambassador;

(a) The nationality of the witness is British and is an ex-British Ambassador to Japan;

(b) This witness can be located in England;

It is further ORDERED: That the application for the production of the witness Hugh Byas may be withdrawn by

PURL: http://www.legal-tools.org/doc/fce658/

the accused, it appearing that said Byas is now deceased.

It is further ORDERED: That the application of the accused for the issuance of a subpoena for each of the persons named in his request for the production of witnesses is indefinitely continued, awaiting the results and disclosures of the interrogations hereinbefore authorized and ordered, and the accused is granted permission to file a supplemental application for the issuance of subpoenas for such witnesses, selected from the list named in his original application (Paper No. 515), as may be found necessary to his proper defense in this case, as a result of said interrogations.

It is further ORDERED: That the application of the accused for the production of documents is granted; and that the following documents, which may be located at the place or in the custody of the agency set forth opposite the description of said documents, be procured forthwith and lodged with the Registry of the Tribunal:

	DOCUMENT	LOCATION
1.	Stenographic Record of main Session of Privy Council on January 30, 1932	Privy Council Office
2.	Stenographic Record of 60th Session of Diet (Upper House)	Upper House Office
3.	Stenographic Record of 61st Session of Diet (Upper House)	Upper House Office
4.	Stenographic Record of 62nd Session of Diet (Upper House)	Upper House Office
5.	Stenographic Record of 63rd Session of Diet (Upper House)	Upper House Office
6.	Stenographic Record of 64th Session of Diet (Upper House)	Upper House Office
7.	Stenographic Record of 74th Session of Diet (Upper House)	Upper House Office

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8.	Stenographic Record of 62nd Session of Diet (Lower House)	Lower House Office
9.	Copy of New York Times, Mar. 12, 1933, containing the article "Men of Affairs in Japan."	New York City
10.	Copy of Hugh Byas' broadcast of Dec. 2, 1931, on the Manchurian problem;	Broadcasting Station, JOAK Tokyo
11.	Copy of Frazier Hunt's broadcast of June 2, 1932 entitled "Japan in Transition."	Broadcasting Station, JOAK, Tokyo
12.	Copy of Hugh Byas' interview with General ARAKI on June 16, 1932 concerning China and Manchuria;	London and/or New York Times
13.	Copy of any article which appeared in the New York or London Times as a result of Hugh Byas' interview with General ARAKI on January 16, 1932;	London and/or New York Times
14.	Stenographic Record of the Upper House on January 31, 1939;	Upper House Office
15.	Stenographic Record of the Upper House on February 19, 1939;	Upper House Office
16.	Stenographic Record of the Upper House on March 7, 1939;	Upper House Office
17.	Deed accompanying the transfer of the Chinese Eastern RR between Manchouli and Chang Chun; transaction took place in 1933;	Might be found in Japanese Foreign Office
18.	Document delivered by General ULDA to the Chinese Commander-in-Chief at Shanghai, requesting on behalf of the Japanese Government negotiations for a peaceful settlement of the Shanghai Incident of 1932.	Japanese Foreign Office

Dated at Tokyo, Japan, this 21 day of November, 1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb
PRESIDENT OF THE TRIBUNAL

PURL: http://www.legal-tools.org/doc/fce658/

Paper No. 578
Disposes of
Paper No. 557

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	) ORDER,
	) GRANTING APPLICATION OF
- vs -	) PROSECUTION FOR EXEMPTION
	) FROM RULE 6(b)(1) WITH
ARAKI, Sadao; et al	) RESPECT TO PROSECUTION DOCUMENTS NOS. 405, 409 ET AL.

This matter coming on to be heard this 25 November 1946 before The Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution for an order of exemption from the provisions of Rule 6(b)(1) of the Rules of Procedure of the International Military Tribunal for the Far East, with respect to International Prosecution Section documents Nos. 405, 409, 2448, and 5333, portions of which the Prosecution intend to be adduced in evidence, so as to permit the Prosecution to serve upon the accused or their Counsel, copies of excerpts, only, from said documents, in both the Japanese and the English language, in the place and stead of the entire original documents; and after hearing the arguments of Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application to and is hereby granted, as prayed.

Dated at Tokyo, Japan, this 25 November 1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb
PRESIDENT

ols.org/doc/d04571/

Paper No. 579
Disposes of
Paper No. 516 in part only.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al - vs - ARAKI, Sadao; et al	) ORDER:) THAT FACILITIES TO INTER-) VIEW CERTAIN WITNESSES) REQUESTED BY THE ACCUSED) HATA, SHUNROKU, BE PROVIDED;) AND FOR THE PRODUCTION OF DOCUMENTS.

This matter coming on to be heard on this 12th day of November, 1946, before the Honorable Sir William Webb, the President of the Tribunal, upon the application of HATA, Shunroku, one of the defendants herein, for the production of witnesses and documents necessary to the defense of said HATA, Shunroku, in accordance with provisions of Section 3, Article 9, paragraph (e) of the Charter, the names of said witnesses and the descriptions of the documents being set forth in said application, which is Paper No. 516; and after hearing the statements and arguments of counsel for the said HATA, Shunroku, and the Tribunal being fully advised in the premises, it is

ORDERED: That every facility and assistance be provided to counsel for the accused HATA to submit written interrogatories to or verbally interrogate each of the following named persons at the place where said person is now located or held:

1. Father JAQUINOT

(a) The witness is a French Catholic Priest, and is now residing in Shanghai or Nanking,

...tools.org/doc/3cea08/

2. ECLEY (Christian name unknown)

(a) The nationality of the witness is Swiss. He is a member of the International Red Cross and is now in Shanghai as a Member of the Swiss Legation or Consulate there.

3. Lieut. General Saburo Kawamura

(a) Formerly Chief of the Military Affairs Section at the time the accused HATA, Shunroku, occupied the position of Japanese War Minister.

(b) The nationality of the witness is Japanese. He is now a prisoner of war at Singapore, or in Java.

4. Major General Michio Kato

(a) A former Secretary of the War Ministry at the time the accused HATA, Shunroku, occupied the position of War Minister.

(b) The nationality of the witness is Japanese. He is now believed to be a prisoner of war of the Soviet Union.

It is further ORDERED: That the application of the accused for the production of documents is granted; and that the following documents, which may be located at the place or in the custody of the agency set forth opposite the descriptions of said documents, be procured forthwith and lodged with the Registry of the Tribunal:

	DOCUMENT	LOCATION
1.	The Shanghai Nippo, a newspaper published in the city of Shanghai, China, in the Japanese language. The issues desired are: 1 February 1938 to 20 December 1938 and 1 March 1941 to 22 November 1944	Shanghai, China

PURL: http://www.legal-tools.org/doc/3cea08/

2. Shanghai Nichi Nichi, a newspaper published in the city of Shanghai, China, in the Japanese language. The issues desired are: — Shanghai, China

1 February 1938 to 20 December 1938
and
1 March 1941 to 22 November 1944

3. Tairiku Shinpo, a newspaper published in the city of Shanghai, China, in the Japanese language. The issues desired are: — Shanghai, China

1 February 1938 to 28 February 1939
and
1 March 1941 to 22 November 1944

4. Log (or photostatic copy thereof) of all American naval vessels including gunboats that were in vicinity of Hankow from 25 October to 30 October 1938.

(a) May be located in Navy Department, Washington, D. C.

5. The records, or other files of the U.S. 14th Air Force of its missions over Changsha, Hengyang, Kweilin and Liuchow June 1944, August 1944, October 1944 and November 1944.

(a) May be located in Army Air Force Headquarters, Washington, D. C.

6. The book entitled "Record of the Facts of Illegal Acts and Resistance Accompanied with Destruction Committed by the Chinese Communists."

(a) May be located in Nanking, China, or capitol of the Chinese Government.

7. The order of the Chungking government for the beginning of Guerilla Warfare against the

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Japanese forces in China. This order was promulgated in or about the year 1938.

(c) May be located in Nanking, China, or capitol of the Chinese Government.

8. Appendix to the book "Instructions In Important Strategic Affairs", a Japanese military book issued by the Japanese military authorities.

(c) May be located in Imperial Japanese Government, Tokyo, Japan.

9. The book "Instructions on Chemical Warfare."

(c) May be located in Imperial Japanese Government, Tokyo, Japan, or the Prosecution might have copy.

10. A copy of every trial for atrocities or mistreatment of prisoners of war in which former members of Japanese Military forces have been the accused before American Military Tribunals in China since the termination of hostilities.

(c) U. S. Army China Command, Nanking; or, if moved to Washington, D. C., War Department.

11. A copy of every trial for atrocities or mistreatments of prisoners of war in which former members of Japanese military forces have been the accused before Chinese Tribunals in China since the termination of hostilities.

(c) May be located in Nanking or the Chinese Capitol.

12. The reports, or a copy thereof, of the American Military Attaches in China for the year 1938 and the years 1941-44, inclusive, with particular reference to the fall and occupation of the cities of Changsha, Hengyang, Kweilin and Liuchow.

PURL: http://www.legal-tools.org/doc/3cea08/

13. The reports of the American Military Attaches in Tokyo for the years 1939 and 1940.

(c) May be located in either War Department or State Department, Washington, D. C.

It is further ORDERED: That the application of the accused for the issuance of a subpoena for each of the persons named in his request for the production of witnesses is indefinitely continued, awaiting the results and disclosures of the interrogations as hereinbefore authorized and ORDERED, and the accused is granted permission to file a supplemental application for the issuance of subpoenas for such witnesses selected from the list named in his original application (Paper No. 516) as may be found necessary to his proper defense in this case, as a result of said interrogations.

Dated at Tokyo, Japan, this 26 November 1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb
PRESIDENT OF THE TRIBUNAL

PURL: http://www.legal-tools.org/doc/3cea08/

Paper No. 580
Disposes of
Paper No. 555 in part
only.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN.

Case No. 1

THE UNITED STATES OF AMERICA; et al) ORDER:
) THAT FACILITIES TO INTER-
- vs -) VIEW" CERTAIN WITNESSES
) REQUESTED BY THE ACCUSED
..RAKI, Sadao; et al) SHIRATORI, TOSHIO, BE
PROVIDED, AND 2 SUMMONS.

This matter coming on to be heard on this 22nd day of November, 1946, before the Honorable Sir William Webb, the President of the Tribunal, upon the application of SHIRATORI, Toshio, one of the defendants herein, for the production of certain witnesses necessary to the defense of the said SHIRATORI, Toshio, in accordance with the provisions of Section 3, Article 9, paragraph (e) of the Charter, the names of said witnesses being set forth in said application, which is Paper No. 555, and in an amendment thereto adding to said application the names of Hans Ulrich Marchtaler and Heinrich Stahmer as witnesses; and after hearing statements and arguments of counsel for the said SHIRATORI, Toshio, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application as to each of the following named persons be granted, as prayed;

1. SAITO, Yoshio

(a) The nationality of the witness is Japanese.

(b) The address of the witness is: No. 42, Shotomachi, Shibuya-ku, Tokyo; his last official position was Diplomatic Advisor

PURL: http://www.legal-tools.org/doc/ae1799/

in the Foreign Office at the time of Foreign Minister Matsuoka.

2. OHASHI, Chuichi

(a) The nationality of the witness is Japanese.

(b) The address of the witness is unknown; his last official position was Vice-Minister of Foreign Affairs at the time of Foreign Minister Matsuoka;

and that a summons be issued, by the Secretary General of the Tribunal, commanding each of said persons, to-wit: SAITO, Yoshie and OHASHI, Chuichi, to attend and testify before said Tribunal as a witness for the accused SHIRATORI, Toshio, at a time indicated to the Secretary General of the Tribunal, by counsel of record for the said accused, as a probable date when the witness will be actually required.

It is further ORDERED: That each of the following named persons, all of whom are Japanese nationals and may be located within the territorial limits of Japan, be produced or required to present himself at the time and place directed by the General Secretary of the Tribunal for interrogation by counsel for the accused SHIRATORI, to determine if his presence will be required at a later date to testify on behalf of the said SHIRATORI:

1. ARITA, Hachiro

(a) The nationality of the witness is Japanese.

(b) The address of the witness is: No. 911 Nishihara-Machi, Yoyogi, Shibuya-ku, Tokyo; his last official position was Foreign Minister of Japan.

2. General UGAKI, Kazushige

(a) The nationality of the witness is Japanese.

PURL: http://www.legal-tools.org/doc/ae1799/

(b) The address of the witness is unknown; his last official position was Foreign Minister of Japan.

3. Lieut. General ARISUI, Seizo

(a) The nationality of the witness is Japanese.

(b) The address of the witness is unknown; his last official position is also unknown, but he was, as Lieut. Colonel, Military Attache to the Japanese Embassy in Italy 1938-1939.

4. Count ARIMA, Reinei

(a) The nationality of the witness is Japanese.

(b) The address of the witness is unknown; he was General Secretary of the Imperial Rule Assistance Association.

5. OKADA, Tadahiko

(a) The nationality of the witness is Japanese.

(b) The address of the witness is unknown; he was President of the House of Representatives.

6. INAHARA, Katsuji

(a) The nationality of the witness is Japanese.

(b) The address of the witness is unknown; he has been and is editor of the magazine "Contemporary Japan."

7. Miss UNO, Masuko

(a) The nationality of the witness is Japanese.

(b) The address of the witness is: Ho-29, No. 10, Nishi-Katamachi, Hongo-ku, Tokyo; she is secretary of the Gaiji Kyokai (Foreign Affairs Association), which has been publishing the magazine "Contemporary Japan."

PURL: http://www.legal-tools.org/doc/ae1799/

8. Dr. MURAKAWA, Kengo

(a) The nationality of the witness is Japanese,

(b) The address of the witness is unknown; he was Vice-Presidnet of the Dai-Asia Kyokai (Great Asia Association.)

9. YATSUGI, Kazuo

(a) The nationality of the witness is Japanese.

(b) The address of the witness is: No. 5, Sakura-ga-Oka-Machi, Shibuya-Ku, Tokyo; he was General Secretary of the National Policy Investigation Association (Kokusaku Kenkyu-kai.)

10. General OSHIMA, Hiroshi

(a) The nationality of the witness is Japanese.

(b) The address of the witness is: Sugamo Prison, Tokyo; he is now one of the defendants in the International Military Trial For East.

11. Dr. MURAMATSU, Tsuneo

(a) The nationality of the witness is Japanese.

(b) The address of the witness is: Matsuzawa Byoin (Matsuzawa Hospital), Matsubara-machi, Setagaya-ku, Tokyo; he is the Vice-Director of the Matsuzawa Hospital.

12. MISHIMA, Yasuo

(a) The nationality of the witness is Japanese.

(b) The address of the witness is: c/o Kuwano Bunka-Jigyo-sha, 3 No. 7, Ginza-Nishi Kyobashi-ku, Tokyo; he is a journalist.

It is further ORDERED: That every facility and assistance be provided to counsel for the accused SHIRATORI

PURL: http://www.legal-tools.org/doc/ae1799/

to subrit written interrogatories to or verbally interrogate each of the following named persons at the place where said person is now located and may be found or held:

1. Mr. BOLZE

(a) The nationality of the witness is German.

(b) The address of the witness is unknown; his last official position was Minister and Councillor of the Embassy in the German Embassy at Tokyo; his last known address was: O-ishimura, Yamanashi Prefecture.

2. Count von MIRBACH

(a) The nationality of the witness is German.

(b) The address of the witness is unknown; his last official position was Secretary of Embassy (Councillor of Legation) in the German Embassy at Tokyo; his last known address was: Sengokuhara, Hakone, Kanagawa Prefecture.

3. Hans Ulrich MERCHTALER

(a) The nationality of the witness is German.

(b) The address of the witness is Atami, Japan.

4. Heinrich STAHLER

(a) The nationality of the witness is German.

(b) The address of the witness is Sugamo Prison, Tokyo, Japan.

5. Eugen OTT

(a) The nationality of the witness is German.

(b) The address of the witness is Peiping, China; his last official position was Ambassador

PURL: http://www.legal-tools.org/doc/ae1799/

of Germany to Japan, in the Embassy at Tokyo.

It is further ORDERED: That the application of the accused for the issuance of a subpoena for each of the persons named in his request for the production of witnesses is indefinitely continued, awaiting results and disclosures of the interrogations hereinbefore authorized and ordered, and the accused is granted permission to file a supplemental application for the issuance of subpoenas for such witnesses selected from those named in this ORDER as may be found necessary to his proper defense in this case as a result of said interrogations.

Dated at Tokyo, Japan, this 26 November 1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb
PRESIDENT OF THE TRIBUNAL

PURL: http://www.legal-tools.org/doc/ae1799/

Paper No. 581
Disposes of
Paper No. 523
in part only.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al

- vs -

ARAKI, Sadao; et al

) ORDER:
) THAT FACILITIES TO
) INTERVIEW CERTAIN
) WITNESSES REQUESTED
) BY THE ACCUSED HIRANUMA
) BE PROVIDED; AND FOR
THE PRODUCTION OF
DOCUMENTS.

This matter coming on to be heard on this 12th day of November, 1946, before the Honorable Sir William Webb, President of the Tribunal, upon the application of HIRANUMA, Kiichiro, one of the defendants herein, for the production of witnesses and documents necessary to the defense of said HIRANUMA, Kiichiro, in accordance with the provisions of Section III, Article 9, Paragraph (e) of the Charter, the names of said witnesses and the description of the documents being fully set forth in said application, which is Paper No. 523; and after hearing the statements and arguments of Counsel for the said HIRANUMA, Kiichiro, and the Tribunal being fully advised in the premises, it is

ORDERED: That each of the following named persons, all of whom are Japanese nationals and may be located within the territorial limits of Japan, be produced or required to present himself at the time and place directed by the General Secretary of the Tribunal for interrogation by Counsel for the accused HIRANUMA to determine if his presence will be

PURL: http://www.legal-tools.org/doc/919c71/

1. TAKEUCHI, Kakuji;

(a) The nationality of the witness is Japanese;

(b) The witness is now in Tokyo City; Setagaya-ku, Kamikitazawa 3-chome, No. 877;

2. MURAKAMI, Kyoichi;

(a) The nationality of the witness is Japanese;

(b) The witness is now in Tokyo City; Musashino-machi Kichizyozi Honderminami, No. 2546;

3. KAYABA, Gunzo;

(a) The nationality of the witness is Japanese;

(b) The witness is now in Urawa City, Maezi, No. 98;

4. BABA, Tsunego;

(a) The nationality of the witness is Japanese;

(b) The witness is now in Tokyo City; Kojimachi-ku Yuraku-cho, 1-chome, No. 13, at Yominuri press.

It is further

ORDERED: That every facility and assistance be provided to Counsel for the accused HIRANUMA to submit written interrogatories to or verbally interrogate the following named person at the place where said person is now located and held:

PURL: http://www.legal-tools.org/doc/919c71/

OTA., Kozo;

(c) The nationality of the witness is Japanese;

(b) The witness is now in Sugamo Prison; Tokyo, Japan, a prisoner of the Allies.

It is further

ORDERED: That the application of the accused for the issuance of a subpoena for each of the persons named in his request for the production of witnesses is indefinitely continued, awaiting the results and disclosures of the interrogations hereinbefore authorized and ordered, and the accused is granted permission to file a supplemental application for the issuance of subpoenas for such witnesses, selected from the list named in his original application (paper No. 523), as may be found necessary to his proper defense in this case, as a result of said interrogations.

It is further

ORDERED: That the application of the accused for the production of documents is granted; and that the following documents, which may be located at the place or in the custody of the agency set forth opposite the description of said documents, be procured forthwith and lodged with the Registry of the Tribunal

DOCUMENT	LOCATION
A. Original copy of the judgment given by the Tokyo District Criminal Court on 8 November 1944, in a criminal case brought against KITAOKA (Shun) NAKAMURA (Takeshi), NISHIYAMA (Choku), DOI (Saburo);	Procurator's (Prosecutor's) Office, Tokyo District Criminal Court, Hibiya Kojimachiku, Tokyo.

PURL: http://www.legal-tools.org/doc/919c71/

DOCUMENT	LOCATION
B. "TOKYO RECORD", a book written by Otto D. Tolischus and published by Hamish Hamilton, London and George Jaboor Melbourne	U.S.A.F.F.E. Orientation Reference Library, 2nd Floor, Mitsubishi Shoji Building, Marunouchi Kojimachiku, Tokyo.
C. (1) "Special Police Monthly Journal" (Tokko Geppo), all numbers published in 1939, 1941 and 1944;	These magazines and books are publications of the Japanese Home Ministry and are in the custody of the Counter Intelligence Section (CIS) or the Legal Section of the Supreme Commander for the Allied Powers, (SCAP).
D. The minutes of the Privy Council Conference held in 1932 with respect to the issuance of government bonds for the purpose of defraying the military expenses of the Manchurian Incident;	Archives of the Chancellery of the Privy Council, Wadakuramon Konimachiku, Tokyo.

Dated at Tokyo, Japan, this 26 day of November, 1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/919c71/

Paper No. 582
Disposes of
Paper No. 532 in part only.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al - vs - ARAKI, Sadao; et al	) ORDER:) THAT FACILITIES TO INTER-) VIEW CERTAIN WITNESSES) REQUESTED BY THE ACCUSED) HOSHINO BE PROVIDED.

This matter coming on to be heard on this 12th day of November, 1946, before the Honorable Sir William Webb, President of the Tribunal, upon the application of HOSHINO, Naoki, one of the defendants herein, for the production of witnesses and documents necessary to the defense of said HOSHINO, Naoki, in accordance with the provisions of Section III, Article 9, paragraph (e) of the Charter, the names of said witnesses and the description of the documents being fully set forth in said application, which is Paper No. 532; and after hearing the statements and arguments of Counsel for the said HOSHINO, Naoki, and the Tribunal being fully advised in the premises, it is

ORDERED: That every facility and assistance be provided to Counsel for the accused HOSHINO, Naoki, to submit written interrogatories to or verbally interrogate each of the following named persons at the place where said person is now located and held:

FURUUMI, Tadayuki

(a) The nationality of the witness is Japanese;

PURL: http://www.legal-tools.org/doc/eee229/

(b) The witness is in the U.S.S.R.

KISHI, Shinsuke

(a) The nationality of the witness is Japanese;

(b) The witness is in Sugamo Prison, Tokyo, Japan.

It is further ORDERED: That the application of the accused for the issuance of a subpoena for each of the persons named in his request for the production of witnesses is indefinitely continued, awaiting the results and disclosures of the interrogations hereinbefore authorized and ordered, and the accused is granted permission to file a supplemental application for the issuance of subpoenas for such witnesses, selected from the list named in his original application (Paper No. 532), as may be found necessary to his proper defense in this case, as a result of said interrogations.

Dated at Tokyo, Japan, this 27 day of November, 1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb
PRESIDENT OF THE TRIBUNAL

PURL: http://www.legal-tools.org/doc/eee229/

Paper No. 585
Disposes of
Paper No. 517
in part only.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al

- vs -

ARAKI, Sadao; et al

ORDER:
THAT FACILITIES TO
INTERROGATE OR
INTERVIEW CERTAIN
WITNESSES REQUESTED
BY THE ACCUSED DOHIHARA
BE PROVIDED.

This matter coming on to be heard on this 12th day of November, 1946, before The Honorable Sir William Webb, President of the Tribunal, upon the application of DOHIHARA, Kenji, one of the defendants herein, for the production of witnesses necessary to the defense of said DOHIHARA, Kenji, in accordance with the provisions of Section III, Article 9, Paragraph (e) of the Charter, the names of said witnesses being fully set forth in said application, which is Paper No. 517; and after hearing the statements and arguments of Counsel for the said DOHIHARA, Kenji, and the Tribunal being fully advised in the premises, it is

ORDERED: That each of the following named persons, all of whom are Japanese nationals and may be located within the territorial limits of Japan, be produced or required to present himself at the time and place directed by the General Secretary of the Tribunal for interrogation by Counsel for the accused DOHIHARA to determine if his presence will be required at a later date to testify on behalf of the said DOHIHARA:

PURL: http://www.legal-tools.org/doc/193abb/

1. HAMAMURA, Kajimo:

(a) The nationality of the witness is Japanese;

(b) He served under the accused during the North China campaign and is at present believed to be in Japan but his present address is unknown.

2. MINEMORI, Shutaro;

(a) The nationality of the witness is Japanese;

(b) He served under the accused during the North China campaign and is at present believed to be in Japan but his present address is unknown.

3. KIKU, Hamoru

(a) The nationality of the witness is Japanese;

(b) He served as subordinate officer under the accused when the accused was the Inspector General of Military Training, and at present is believed to be in Japan but his present address is unknown.

4. TAKASHASHI, Tatsuhiko;

(a) The nationality of the witness is Japanese;

(b) He was Chief of Staff under the accused when the accused was Commander in Chief of the Eastern Army and is believed to be in Japan, but his present address is unknown.

PURL: http://www.legal-tools.org/doc/193abb/

5. YAMAZAKI, Masso;

(a) The nationality of the witness is Japanese;

(b) He was Senior Staff Officer of the Eastern Army and served under the accused when the accused was Commander in Chief of the Eastern Army, and is believed to be in Japan, but his present address is unknown.

6. HASHIMOTO, Gun;

(a) The nationality of the witness is Japanese;

(b) He was Chief of Staff of the First Army during 1937 and 1938 and served under the accused when the accused was Commander in Chief of said First Army, and is believed to be in Japan, but his present address is unknown.

7. KUWASHIMA, Kazue;

(a) The nationality of the witness is Japanese;

(b) The witness is now in Tokyo, Japan. He was Japanese Consul General in Tientsin, China.

It is further

ORDERED: That every facility and assistance be provided to Counsel for the accused DOHIHARA to submit written interrogatories to or verbally interrogate the following named persons at the places where said persons are now located and held:

PURL: http://www.legal-tools.org/doc/193abb/

1. SENDA, Moritoshi;

(a) The nationality of the witness is Japanese;

(b) The witness was Commander of the 81st Division, Compound and Independent Corps, Changsha, China, at the end of the war and it is believed he is still there as a prisoner of war of the Chinese.

2. MORIKI, Goro;

(a) The nationality of the witness is Japanese;

(b) The witness was the Gendarme Colonel of the Prison for War Criminals, 11th District, Peking, China at the end of the war and it is believed he is still there as a prisoner of war of the Chinese.

3. MIURA, Chujiro;

(a) The nationality of the witness is Japanese;

(b) The witness was Commander of the 69th Division, Unjo, China at the end of the war and it is believed he is still there as a prisoner of war of the Chinese.

4. TAKAHASHI, Tan;

(a) The nationality of the witness is Japanese;

(b) The witness was the Chief of Staff of the North China Army at the end of the war and it is believed he is still in China as a prisoner of war of the Chinese.

PURL: http://www.legal-tools.org/doc/193abb/

5. IMAI, Takeo;

(a) The nationality of the witness is Japanese;

(b) The witness was Chief of the Liaison Bureau in Nanking, China at the end of the war and it is believed he is still there as a prisoner of war of the Chinese.

6. MIYAZAKI, Shigesaburo;

(a) The nationality of the witness is Japanese;

(b) The witness was Commander of the 54th Division, Burma, at the end of the war and it is believed he is still there as a prisoner of war of the British.

7. YAHAGI, Nakao;

(a) The nationality of the witness is Japanese;

(b) The witness served as Chief of Staff of the Japanese Army in Burma at the end of the war and is believed to be still there as a prisoner of war of the British.

8. AYABE, Kitsujyu;

(a) The nationality of the witness is Japanese;

(b) The witness was Lieutenant General in the Japanese Army and at the end of the war was in Singapore and it is believed he is still there, a prisoner of war of the British.

PURL: http://www.legal-tools.org/doc/193abb/

9. TAZAKI, Senichi;

(a) The nationality of the witness is Japanese;

(b) The witness was Lieutenant General in the Japanese Army and at the end of the war was in Singapore and it is believed he is still there, as a prisoner of war of the British.

10. SUZUKI, Kunji;

(a) The nationality of the witness is Japanese;

(b) The witness is at present in custody at Sugamo Prison, Tokyo.

11. NISHIO, Juzo;

(a) The nationality of the witness is Japanese;

(b) The witness is at present in custody at Sugamo Prison, Tokyo.

12. ISOGAI, Rensuke;

(a) The nationality of the witness is Japanese;

(b) The witness is at present in custody at Sugamo Prison, Tokyo.

13. MINAMI, Jiro;

(a) The nationality of the witness is Japanese;

(b) The witness is at present in custody at Sugamo Prison, Tokyo, and is one of the accused in this trial.

PURL: http://www.legal-tools.org/doc/193abb/

14. ITAGAKI, Seishiro;

(a) The nationality of the witness is Japanese;

(b) The witness is at present in custody at Sugamo Prison, Tokyo, Japan, and is one of the accused in this trial.

15. UMEZU, Yoshijiro;

(a) The nationality of the witness is Japanese;

(b) The witness is at present in custody at Sugamo Prison, Tokyo, Japan, and is one of the accused in this trial.

It is further

ORDERED: That the application of the accused for the issuance of a subpoena for each of the persons named in his request for the production of witnesses is indefinitely continued, awaiting the results and disclosures of the interrogations hereinbefore authorized and ordered, and the accused is granted permission to file a supplemental application for the issuance of subpoenas for such witnesses, selected from the list named in his original application (Paper No. 517), as may be found necessary to his proper defense in this case, as a result of said interrogations.

Dated at Tokyo, Japan, this 29 day of November, 1946.

BY THE TRIBUNAL:

Signed

W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/193abb/

Paper No. 586
Disposes of
Paper No. 529; and of
Papers Nos. 524, 525,
526, 527, and 528, in part only.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al - vs - ARAKI, Sadao; et al	ORDER: THAT FACILITIES TO INTERVIEW CERTAIN WITNESSES REQUESTED BY THE ACCUSED ITAGAKI BE PROVIDED; AND FOR THE PRODUCTION OF DOCUMENTS.

This matter coming on to be heard on this 13th day of November, 1946, before the Honorable Sir William Webb, the President of the Tribunal, upon the applications of ITAGAKI, Seishiro, one of the defendants herein, for the production of witnesses and documents necessary to the defense of said ITAGAKI, Seishiro, in accordance with the provisions of Section III, Article 9, Paragraph (e) of the Charter, the names of said witnesses and the description of the documents being fully set forth in said applications, which are Papers Nos. 524 to 529, both inclusive; and after hearing the statements and arguments of Counsel for the said ITAGAKI, Seishiro, and the Tribunal being fully advised in the premises, it is

ORDERED: That each of the following named persons, all of whom are Japanese nationals and may be located within the territorial limits of Japan, be produced or required to present himself at the time and place directed by the General Secretary of the Tribunal for

PURL: http://...legal-tools.org/doc/135026/

interrogation by Counsel for the accused ITAGAKI to determine if his presence will be required at a later date to testify on behalf of the said ITAGAKI:

1. KAGESA, Sadaaki:

(a) This witness' nationality is Japanese. His address is Daichi National Hospital Wakamatsu-Cho, Ushigome-Ku, Tokyo, Japan.

(b) A Major General in the Japanese Army, he was the Chief Military advisor to the Nanking Government at the time ITAGAKI was Minister of War.

2. TADA, Shun:

(a) This witness' nationality is Japanese. His address is No. 567, Kawana, Funakata Machi, Tateyama City, Chiba Prefecture, Japan.

(b) The Commander of Tientsin Contingent Force; Vice Chief of General Staff in 1937; Commander of North China Expeditionary Force 1939-1946.

It is further ORDERED: That every facility and assistance be provided to Counsel for the accused ITAGAKI to submit written interrogatories to or verbally interrogate each of the following named persons at the place where said person is now located or held:

1. HIRAI, Toyoichi:

(a) This witness' nationality is Japanese. He is said to be in the custody of the U.S.S.R. in Siberia.

(b) He was formerly Intendance Colonel member of the Manchurian and Mongolian section of the Ministry of War of the Japanese Empire.

PURL: http://www.legal-tools.org/doc/135026/

2. SHIMOMURA, Nobusada:

(a) This witness' nationality is Japanese. He is said to be in the custody of the U.S.S.R. in Siberia.

(b) He was formerly Liaison Officer of the Japanese Army stationed at Harbin in Manchukuo.

3. SUETAKA, Kamezo:

(a) This witness' nationality is Japanese. He is said to be in the custody of the U.S.S.R. in Siberia.

(b) He was commander of the 19th Division of the 12th Japanese Army, the commander of the 3rd Army, and Vice President of the new State University in Manchukuo.

4. Lt. General AYABE:

(a) This witness' nationality is Japanese. He is at present in the custody of the British and said to be so held at Singapore, Malayan Peninsula.

(b) This witness was a Lieutenant General and the Chief of Staff of the Japanese 7th Army serving on the Malayan Peninsula.

5. Major General SAITO, Masotoshi:

(a) This witness' nationality is Japanese. He is at present in the custody of the British and said to be so held at Singapore, Malayan Peninsula.

(b) This witness was a Major General in the Japanese Army serving with the Japanese

PURL: http://www.legal-tools.org/doc/135026/

7th Army as the Custodian of the Prisoner of War, for a period of about ten months prior to the end of hostilities, on the Malayan Peninsula area.

6. NAKAJIMA, Tetsuzo:

(a) This witness' nationality is Japanese. He is said to be in custody in Sumatra, Netherlands East Indies.

(b) He was Vice Chief of the Japanese General Staff at the time ITAGAKI, Seishiro, was Minister of War.

7. General NISHIO, Toshizo:

(a) This witness' nationality is Japanese. He is at present in custody at Sugamo Prison, Tokyo, Japan.

(b) Was one time Chief of Staff of the Kwantung Army (at which time ITAGAKI was Assistant Chief of Staff), later Commander-in-Chief of the China Expeditionary Army (at which time ITAGAKI was Chief of General Staff of the same army).

It is further ORDERED: That the application of the accused for the issuance of a subpoena for each of the persons named in his requests for the production of witnesses is indefinitely continued, awaiting the results and disclosures of the interrogations hereinbefore authorized and ordered, and the accused is granted permission to file a supplemental application for the issuance of subpoenas for such witnesses, selected from the list named in his original applications (Papers Nos. 524 to 529, both inclusive), as may be found necessary to his proper defense in this case, as a result of said interrogations.

PURL: http://www.legal-tools.org/doc/135026/

It is further ORDERED: That the application of the accused for the production of documents is granted; and that the following documents, which may be located at the place or in the custody of the agency set forth opposite the description of said documents, be procured forthwith and lodged with the Registry of the Tribunal:

	DOCUMENT	LOCATION
1.	Report on situation, and attached documents, prepared by Honjo, Shigeru, the Commander of the Kwantung Army in Manchuria on the 18th of October 1931.	The original, Headquarters of the Kwantung Army at Chang Chun (formerly Hsin King) Manchuria.
2.	Report on explosion of South Manchurian Railway prepared by Investigation Committee of Kwantung Army 23 September 1931.	Headquarters of the Kwantung Army at Chang Chun (formerly Hsin King) Manchuria.

Dated at Tokyo, Japan, this 29 day of November, 1946.

BY THE TRIBUNAL:

Signed

W.F. Webb
PRESIDENT OF THE TRIBUNAL

PURL: http://www.legal-tools.org/doc/135026/

Paper No. 587
Disposes of
Paper No. 531 in part only

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	ORDER:
- vs -	THAT FACILITIES TO INTERVIEW A CERTAIN WITNESS REQUESTED BY THE ACCUSED KIMURA BE PROVIDED
ARAKI, Sadao; et al	

This matter coming on to be heard on this 15 day of November, 1946, before the Honorable Sir William Webb, the President of the Tribunal, upon the application of KIMURA, Heitaro, one of the defendants herein, for the production of a witness necessary to the defense of said KIMURA, Heitaro, in accordance with the provisions of Section III, Article 9, Paragraph (c) of the Charter, the name of said witness being set forth in said application, which is Paper No. 531; and after hearing the statements and arguments of Counsel for the said KIMURA, Heitaro, and the Tribunal being fully advised in the premises, it is

ORDERED: That every facility and assistance be provided to Counsel for the accused KIMURA to submit written interrogatories to or verbally interrogate the following named person at the place where said person is now held:

NISHIO, Toshizo:

(a) The nationality of the witness is Japanese.

PURL: http://www.legal-tools.org/doc/04ea77/

(b) The witness is now confined in Sugamo Prison, Tokyo, Japan.

It is further ORDERED: That the application of the accused for the issuance of a subpoena for the person named in his request for the production of a witness is indefinitely continued, awaiting the results and disclosures of the interrogations hereinbefore authorized and ordered, and the accused is granted permission to file a supplemental application for the issuance of a subpoena for said witness, should he be found necessary to the proper defense of said accused in this case, as a result of said interrogation.

Dated at Tokyo, Japan, this 29 day of November, 1946.

BY THE TRIBUNAL:

Signed

W. F. Webb
PRESIDENT OF THE TRIBUNAL

PURL: http://www.legal-tools.org/doc/04ea77/

Paper No. 588
Disposes of
Paper No. 553,
in part only.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	) ORDER:
	) THAT FACILITIES TO INTERVIEW
- vs -	) CERTAIN WITNESSES REQUESTED
	) BY THE ACCUSED KAYA BE PRO-
ARAKI, Sadao; et al	) VIDED.

This matter coming on to be heard on this 15 day of November, 1946, before the Honorable Sir William Webb, the President of the Tribunal, upon the application of KAYA, Okinori, one of the defendants herein, for the production of witnesses necessary to the defense of said KAYA, Okinori, in accordance with the provisions of Section III, Article 9, Paragraph (e) of the Charter, the names of said witnesses being fully set forth in said application, which is Paper No. 553; and after hearing the statements and arguments of Counsel for the said KAYA, Okinori, and the Tribunal being fully advised in the premises, it is

ORDERED: That every facility and assistance be provided to Counsel for the accused KAYA to submit written interrogatories to or verbally interrogate each of the following named persons at the place where said person is now held:

1. KOBAYASHI, Seizo:
   (a) The nationality of the witness is Japanese.
   (b) The witness is now confined in Sugamo Prison, Tokyo, Japan.

PURL: http://www.legal-tools.org/doc/b70668/

2. IWAMURA, Michiyo:

(a) The nationality of the witness is Japanese.

(b) The witness is now confined in Sugamo Prison, Tokyo, Japan.

3. GODO, Takuo:

(a) The nationality of the witness is Japanese.

(b) The witness is now confined in Sugamo Prison, Tokyo, Japan.

It is further ORDERED: That the application of the accused for the issuance of a subpoena for each of the persons named in his request for the production of witnesses is indefinitely continued, awaiting the results and disclosures of the interrogations hereinbefore authorized and ordered, and the accused is granted permission to file a supplemental application for the issuance of subpoenas for such witnesses, selected from the list named in his original application (Paper No. 553), as may be found necessary to his proper defense in this case, as a result of said interrogations.

Dated at Tokyo, Japan, this 29 day of November, 1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb

PRESIDENT OF THE TRIBUNAL

PURL: http://www.legal-tools.org/doc/b70668/

Paper No. 588
Disposes of
Paper No. 553,
in part only.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al - vs - ARAKI, Sadao; et al	) ORDER:) THAT FACILITIES TO INTERVIEW) CERTAIN WITNESSES REQUESTED) BY THE ACCUSED KAYA BE PRO-) VIDED.

This matter coming on to be heard on this 15 day of November, 1946, before the Honorable Sir William Webb, the President of the Tribunal, upon the application of KAYA, Okinori, one of the defendants herein, for the production of witnesses necessary to the defense of said KAYA, Okinori, in accordance with the provisions of Section III, Article 9, Paragraph (e) of the Charter, the names of said witnesses being fully set forth in said application, which is Paper No. 553; and after hearing the statements and arguments of Counsel for the said KAYA, Okinori, and the Tribunal being fully advised in the premises, it is

ORDERED: That every facility and assistance be provided to Counsel for the accused KAYA to submit written interrogatories to or verbally interrogate each of the following named persons at the place where said person is now held:

1. KOBAYASHI, Seizo:
   (a) The nationality of the witness is Japanese.
   (b) The witness is now confined in Sugamo Prison, Tokyo, Japan.

PURL: http://www.legal-tools.org/doc/b4d0e2/

2. IWAMURA, Michiyo:

(a) The nationality of the witness is Japanese.

(b) The witness is now confined in Sugamo Prison, Tokyo, Japan.

3. GODO, Takuo:

(a) The nationality of the witness is Japanese.

(b) The witness is now confined in Sugamo Prison, Tokyo, Japan.

It is further ORDERED: That the application of the accused for the issuance of a subpoena for each of the persons named in his request for the production of witnesses is indefinitely continued, awaiting the results and disclosures of the interrogations hereinbefore authorized and ordered, and the accused is granted permission to file a supplemental application for the issuance of subpoenas for such witnesses, selected from the list named in his original application (Paper No. 553), as may be found necessary to his proper defense in this case, as a result of said interrogations.

Dated at Tokyo, Japan, this 29 day of November, 1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb

PRESIDENT OF THE TRIBUNAL

PURL: http://www.legal-tools.org/doc/b4d0e2/

Paper No. 590
Disposes of
Paper No. 573

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al
- vs -
ARAKI, Sadao; et al

ORDER: DENYING PROSECUTION APPLICATION AS PRAYED; AND GRANTING LEAVE TO TENDER AFFIDAVITS FOR IDENTIFICATION, INTRODUCE EXCERPTS, AND READ SYNOPSES.

This matter coming on for final hearing by the Tribunal, in Open Court, on 29 November 1946, upon the application of the Prosecution for an Order of the Tribunal granting leave to present affidavit evidence by producing the original affidavits as Exhibits and by reading prepared synopses thereof instead of reading excerpts from each affidavit; copies in English of the complete affidavits and copies of the Japanese translations of the excerpts relied upon, to be served upon the Accused, or their Counsel of Record, in accordance with the provisions of Rule 6 of the Tribunal, and copies of the said synopses in both the English and Japanese language to be likewise served upon the Accused or their Counsel of Record; and

The Tribunal hearing the arguments of Counsel, and being fully advised in the premises; it is the decision of a majority of the Justices of the Tribunal, and

ORDERED: That the said application as prayed, is denied; and it is further

ORDERED by the Tribunal, that the Prosecution may tender the whole of the original affidavits for identification

PURL: http://www.legal-tools.org/doc/4311a4/

only; and tender in evidence that portion of or excerpt from each affidavit upon which Prosecution relies; and read into the record a prepared synopsis of those portions or excerpts from the affidavits so introduced in evidence; and it is further

ORDERED: That the Prosecution shall serve upon the Accused or their Counsel of Record, in proper time, copies, in the English language, of the whole of the original affidavits, the excerpts therefrom to be tendered in evidence, and the synopses of such excerpts to be read into the record, and shall likewise serve copies, in the Japanese language, of said excerpts and of said synopses.

Dated at Tokyo, Japan, this 2 December 1946.

BY THE TRIBUNAL:

Signed

W. F. Webb
PRESIDENT

SITTING:

The Honorable Sir William Webb
The Honorable Mr. Justice Northcroft
Lord Patrick
The Honorable Mr. Justice Mei
Major General of Justice I. M. Zaryanov
Major General Myron C. Cramer
The Honorable Mr. Justice McDougall
The Honorable Mr. Justice Bernard
The Honorable Mr. Justice Roling
The Honorable Mr. Justice Jaranilla

ABSENT:

The Honorable Mr. Justice Pal

PURL: http://www.legal-tools.org/doc/4311a4/

Paper No.591
Disposes of
Paper No. 530

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	) ORDER:
	) FOR THE PRODUCTION OF
- vs -	) DOCUMENTS ON BEHALF OF
	) THE ACCUSED MINAMI
ARAKI, Sadao; et al	) UNDER THE CHARTER.

This matter coming on to be heard on this 18th day of November, 1946, before The Honorable Sir William Webb, President of the Tribunal, upon the application of MINAMI, Jiro, one of the defendants herein, for the production of documents necessary to the defense of said MINAMI, Jiro, in accordance with the provisions of Section III, Article 9, Paragraph (c) of the Charter, the description of the documents being fully set forth in said application, which is Paper No. 530; and after hearing the statements and arguments of Counsel for the said MINAMI, Jiro, and the Tribunal being fully advised in the premises, it is

ORDERED: That the application of the accused for the production of documents is granted; as prayed; and that the following documents, which may be located at the place or in the custody of the agency set forth below the description of said documents, be procured forthwith and lodged with the Registry of the Tribunal:

Washington Document Center, Stuart Bldg., Washington, D. C.
Shipping Advice #15072.

	CRATE NO.	ITEM NO.	DESCRIPTION
1.	56	3	"File of Permanent Records", 1935, non-classified, 7 vols. (out of a series of 8).
2.	44	11	"File of Permanent Records", 1931, non-classified, 10 vols. (out of undetermined number of a series.)

PURL: http://www.legal-tools.org/doc/b39c69/

	CRATE NO.	ITEM NO.	DESCRIPTION
3.	69	14	Same as above, 7 vols.
4.	59	16	"Files of classified Correspondence & Records", 1935, 1 vol. (out of series of 7 vols).
5.	122, 128 168 &327	28	Same as above, 1 vol. (out of a series of 11).
6.	51 & 52	41	"File of Permanent Records", non-classified, 1935, 2 vols. (part 245).
7.	146	102	"File of unclassified Correspondence &Records Dealing with Manchurian Affairs", 1931, 2 vols. (parts 1 & 3 out of a series of 3).
8.	555	125	"File of Documents Dealing with the Disarmament Conference", 1931, 1 vol. (parts 2 out of a series of 3).
9.	555	126	"File of Documents Dealing with the Problem of Disarmament", 1923-1931, 1 vol.
10.	555	127	"File of Documents Dealing with the League of Nations", 1924-1933, 1 vol.
11.	334	138	"File of classified Correspondence & Records Dealing with Manchurian Affairs", 1935, 4 vols. (parts 1,3, 4 & 5 out of undetermined number of series).

Shipping Advice #15072

	Japanese Crate No.	Item No.	DESCRIPTION
12.	52 & 138	156	"File of classified Correspondence & Records Dealing with Manchurian Affairs", 1935, 7 vols. (parts 1,2, 4,5,7,8 & 9 out of series of 11).
13.	58	157	Same as above, 1935, 5 vols. (parts 1,2,3,4, & 5 out of series of 7).
14.	58	158	"File of Permanent Records", non-classified 1935, 4 vols. (from undetermined number of series).
15.	61, 121, 96 &140	163	"File of classified Correspondence & Records Dealing with Manchurian Affairs", 1931, 1 vol.

PURL: http://www.legal-tools.org/doc/b39c69/

	Japanese Crate No.	Item No.	DESCRIPTION
16.	162, 128 & 149	169	"File of Document Dealing with the International Conference", 1925-1934, 1 vol.
17.	162, 128 & 149	171	"File of unclassified Correspondence & Records Dealing with Manchurian Affairs", 1935, 1 vol. (part 16 out of series of 17).
18.	624	202	Same as above, 1935, 1 vol. (part 7 out of 10 vols.).
19.	43	203	"File of classified Correspondence & Records concerning the League of Nations & the Disarmament Conference", 1931 to 1934, 1 vol.
20.	43	204	"File of Confidential Records attached to Item No. 203", 1931, 2 vols. (parts 1 & 3 out of 3 vols.).
21.	43	205	"File of Permanent Records", 1931 non-classified, 5 vols.
22.	151	206	"File of non-classified Correspondence & Records Dealing with Manchurian Affairs", 1935, 5 vols. (parts 5,6,8,9 & 10 out of vols.).
23.	150	212	"Files of non-classified Correspondence & Records Dealing with Manchurian Affairs", 1935, 4 vols. (parts 1,2,3, & 4 out of 10 vols.).
	Crate No.		
24.	57	232	"File of Permanent Records", non-classified, 1935, 6 vols.
25.	327	234	"File of classified Correspondence & Records Dealing with Manchurian Affairs", 1935, 1 vol. (part 2)
26.	334	305	Same as above 1935, 1 vol. (part 11 of a series of 11).
27.	146	341	Same as above, 1931, 1 vol. (part 2 of a series of 3).
28.	234	358	Same as above, 1935, 1 vol. (part 10 of a series of 11).

PURL: http://www.legal-tools.org/doc/b39c69/

	Crate No.	Item No.	DESCRIPTION
29.	59	320	"File of classified Correspondence & Records", 1935, 1 vol. (part 7 of a series of 7).

Dated at Tokyo, Japan, this 3 day of December, 1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/b39c69/

Paper No. 592
Disposes of
Paper No. 545 in part only.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	ORDER: THAT FACILITIES TO INTERVIEW OR INTERROGATE CERTAIN WITNESSES REQUESTED BY THE ACCUSED MATSUI BE PROVIDED.
- vs -	
ARAKI, Sadao; et al	

This matter coming on to be heard on this 18th day of November 1946, before The Honorable Sir William Webb, President of the Tribunal, upon the application of MATSUI, Iwane, one of the defendants herein, for the production of witnesses necessary to the defense of said MATSUI, Iwane, in accordance with the provisions of Section III, Article 9, Paragraph (e) of the Charter, the names of said witnesses being fully set forth in said application, which is Paper No. 545; and after hearing the statements and arguments of Counsel for the said MATSUI, Iwane, and the Tribunal being fully advised in the premises, it is

ORDERED: That every facility and assistance be provided to Counsel for the accused MATSUI to submit written interrogatories to or verbally interrogate the following named persons at the places where said persons are now located and held:

PURL: http://www.legal-tools.org/doc/b73250/

1. HARADA, Kumakichi;

(a) The nationality of the witness is Japanese;
He is said to be in custody of the British in Singapore.

(b) The witness was Lieutenant-General and Commander of the Special Service Section in Shanghai at the time MATSUI, Iwane, was Commander-in-Chief of the Expeditionary Force in Central China.

2. MUTO, Akira;

(a) The nationality of the witness is Japanese; and he is one of the accused in this case.
He is in custody in Sugamo Prison, Tokyo, Japan.

(b) The witness was Lieutenant-General and Vice Chief of Staff, the Expeditionary Force in Central China, at the time MATSUI, Iwane, was Commander-in-Chief of said Force.

It is further

ORDERED: That the application of the accused for the issuance of a subpoena for each of the persons named in his request for the production of witnesses is indefinitely continued, awaiting the results and disclosures of the interrogations hereinbefore authorized and ordered, and the accused is granted permission to file a supplemental application for the issuance of subpoenas for such witnesses, selected from

PURL: http://www.legal-tools.org/doc/b73250/

the list named in his original application (Paper No. 545), as may be found necessary to his proper defense in this case, as a result of said interrogations.

Dated at Tokyo, Japan, this 3rd day of December, 1946.

BY THE TRIBUNAL:

Signed

W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/b73250/

Paper No. 593
Disposes of
Paper No. 547
in part only.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al

- vs -

ARAKI, Sadao; et al

ORDER:
THAT FACILITIES TO
INTERVIEW OR
INTERROGATE CERTAIN
WITNESSES REQUESTED
BY THE ACCUSED
NAGANO AND THE ACCUSED
OKA BE PROVIDED.

This matter coming on to be heard on this 20th day of November, 1946, before the Honorable Sir William Webb, President of the Tribunal, upon the application of NAGANO, Osami and OKA, Takasumi, the defendants herein, for the production of witnesses necessary to the defense of said NAGANO, Osami and OKA, Takasumi, in accordance with the provisions of Section III, Article 9, Paragraph (e) of the Charter, the names of said witnesses being fully set forth in said application, which is Paper No. 547; and after hearing the statements and arguments of Counsel for the said NAGANO, Osami and OKA, Takasumi, and the Tribunal being fully advised in the premises, it is

ORDERED: That every facility and assistance be provided to Counsel for the accused NAGANO, Osami and the accused OKA, Takasumi to submit written interrogatories to or verbally interrogate the following named persons at the places where said persons are now located and held:

PURL: http://www.legal-tools.org/doc/bce1d4/

1. FUKUTOME, Shigeru;

   (a) The nationality of the witness is Japanese;

   (b) The witness was a Vice-Admiral in the Japanese Navy and at present is in Singapore, although it is believed that he is not confined as a prisoner of war.

2. ONODA, Sutegiro;

   (a) The nationality of the witness is Japanese;

   (b) The witness was a naval captain and assistant to the above named FUKUTOME. He is believed to be in Singapore at the present time although not a prisoner of war.

3. OKOCHI, Denshichi;

   (a) The nationality of the witness is Japanese;

   (b) The witness was a Vice-Admiral in the Japanese Navy and is at present in Manila, believed to be a prisoner of war.

4. TOYODA, Soemu;

   (a) The nationality of the witness is Japanese;

   (b) The witness was an Admiral in the Japanese Navy and was in attendance at negotiations pertaining to the London Naval Conference. He is at present confined in Sugamo Prison.

PURL: http://www.legal-tools.org/doc/bce1d4/

It is further

ORDERED: That the application of the accused for the issuance of a subpoena for each of the persons named in their request for the production of witnesses is indefinitely continued, awaiting the results and disclosures of the interrogations hereinbefore authorized and ordered, and the accused are granted permission to file a supplemental application for the issuance of subpoenas for such witnesses, selected from the list named in their original application (Paper No. 547), as may be found necessary to their proper defense in this case, as a result of said interrogations.

Dated at Tokyo, Japan, this 3 day of December, 1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/bce1d4/

Paper No. 594
Disposes of
Paper No. 546; and of
Paper No. 544, in part
only.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA: et al - vs - ARAKI, Sadao; et al	ORDER: THAT FACILITIES TO INTER- VIEW OR INTERROGATE CERTAIN WITNESSES REQUESTED BY THE ACCUSED MUTO BE PROVIDED: AND FOR 11 SUMMONS; AND FOR THE PRODUCTION OF DOCUMENTS.

This matter coming on to be heard on this 18th day of November, 1946, before The Honorable Sir William Webb, the President of the Tribunal, upon the application of MUTO, Akira, one of the defendants herein, for the production of certain witnesses necessary to the defense of the said MUTO, Akira, in accordance with the provisions of Section 3, Article 9, Paragraph (e) of the Charter, the names of said witnesses being set forth in said application, which is Paper No. 544; and the application of the said MUTO, Akira, for the production of documents, which application is Paper No. 546; and after hearing statements and arguments of Counsel for the said MUTO, Akira, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application as to each of the following named persons be granted, as prayed:

1. TERADA, Seiichi
   (a) This person is a Japanese, resident in Tokyo;
   (b) At the time of the China Incident he was on the General Staff.

PURL: http://www.legal-tools.org/doc/b2a264/

2. SAITO, Yoshie;

(a) This person is a Japanese, resident in Tokyo;

(b) This person was a diplomatic advisor to General Matsui.

3. NAKAYAMA, Yasuto;

(a) This person is a Japanese, resident in Tokyo;

(b) This person was formerly a Staff Officer under General Matsui.

4. IWAKURO, Hideo;

(a) This person is a Japanese, resident in Tokyo;

(b) He was formerly in charge of a section in the Military Affairs Bureau under Muto.

5. IKAWA, Tadao;

(a) This person is a Japanese, resident of Tokyo;

(b) This person took part in the pre-war negotiations with United States.

6. ISHII, Akiho;

(a) This person is a Japanese, resident of Nagano Prefecture;

(b) He was formerly chief of a division of the Military Affairs Section under Muto.

7. NISHIURA, Susumu;

(a) This person is a Japanese, resident of Tokyo;

(b) He was a senior member of a section in the Military Affairs Bureau when Muto was Chief of said Bureau.

8. YAMAMOTO, Kumaichi;

(a) This person is a Japanese, resident of Tokyo;

(b) He was Chief of a bureau with the Foreign Office when Muto was Chief of Military Affairs Bureau.

PURL: http://www.legal-tools.org/doc/b2a264/

9. OASA, Tadao;

(a) This person is a Japanese, resident of Tokyo;

(b) He was formerly a Minister of State.

10. YUZAWA, Michio;

(a) This person is a Japanese, resident of Tokyo;

(b) He was formerly Vice Minister of Home Affairs, later Home Minister.

11. KAMEI, Kan-ichiro;

(a) This person is a Japanese and resident of Kamakura;

(b) He was a former member of House of Representatives;

and that a summons be issued, by the Secretary General of the Tribunal, commanding each of said persons, to-wit: TERADA, Seiichi, SAITO, Yoshie, NAKAYAMA, Yasuto, IWAKURO, Hideo, IKAWA, Tadao, ISHII, Akiho, NISHIURA, Susumu, YAMAMOTO, Kumaichi, OASA, Tadao, YUZAWA, Michio, and KAMEI, Kan-ichiro, to attend and testify before said Tribunal as a witness for the accused MUTO, Akira, at a time indicated to the Secretary General of the Tribunal, by counsel of record for the said accused, as a probable date when the witness will be actually required.

It is further ORDERED: That every facility and assistance be provided to counsel for the accused MUTO, Akira, to submit written interrogatories to or verbally interrogate each of the following named persons at the place where said person is now located and may be found or held:

1. MATSUI, Iwane;

(a) This person is of Japanese nationality and is one of the accused in the present trial. He is confined in Sugamo Prison.

PURL: http://www.legal-tools.org/doc/b2a264/

2. SATO, Kenryo;

(a) This person is a Japanese and is one of the accused in the present trial. He is confined in Sugamo Prison.

3. HOSHINO, Naoki;

(a) This person is of Japanese nationality and one of the accused in the present trial. He is confined in Sugamo Prison.

4. TOJO, Hideki;

(a) This person is of Japanese nationality and one of the accused in the present trial. He is confined in Sugamo Prison.

It is further ORDERED: That the application of the accused (Paper No. 544) for the issuance of a subpoena for each of the persons named in his request for the production of witnesses is indefinitely continued, awaiting results and disclosures of the interrogations hereinbefore authorized and ordered, and the accused is granted permission to file a supplemental application for the issuance of subpoenas for such witnesses selected from those named in this Order as may be found necessary to his proper defense in this case as a result of said interrogations.

It is further ORDERED: That the application of the accused (Paper No. 546) for the production of documents is granted; and that the following documents, which are thought to be located in the files of the former Japanese War Ministry, be procured forthwith and lodged with the Registry of the Tribunal:

(a) Imperial Ordinance of 23 December 1941 regarding regulation of prisoner of war camps;

PURL: http://www.legal-tools.org/doc/b2a264/

(b) Imperial Ordinance of 27 December 1941 regarding Prisoner of War Information Bureau;

(c) Letter of Advice to troops, from Japanese War Ministry regarding treatment of enemy medical personnel;

(d) Message dated 29 January 1942 from Foreign Minister TOGO to the United States, Britain, and other countries, through a neutral country, replying to inquiries regarding future treatment of prisoners of war;

(e) Rules of the War Ministry setting up the "Control Department" relative to prisoners of war;

(f) "Order for service to the Higher Headquarters during wartime";

(g) Ordinance of the Supreme War Council.

Dated at Tokyo, Japan, this 3 December 1946.

BY THE TRIBUNAL:

(Signed) W. F. WEBB
PRESIDENT

PURL: http://www.legal-tools.org/doc/b2a264/

Paper No. 595
Disposes of
Paper No. 556 in part only.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	) ORDER:
- vs -	) THAT FACILITIES TO INTERVIEW OR INTERROGATE CERTAIN WITNESSES REQUESTED BY THE ACCUSED OKAWA BE PROVIDED; AND FOR THE PRODUCTION OF DOCUMENTS.
ARAKI, Sadao; et al	

This matter coming on to be heard on this 20th day of November, 1946, before The Honorable Sir William Webb, President of the Tribunal, upon the application of OKAWA, Shumei, one of the defendants herein, for the production of witnesses and documents necessary to the defense of said OKAWA, Shumei, in accordance with the provisions of Section III, Article 9, Paragraph (e) of the Charter, the names of said witnesses and the description of the documents being fully set forth in said application, which is Paper No. 556; and after hearing the statements and arguments of Counsel for the said OKAWA, Shumei, and the Tribunal being fully advised in the premises, it is

ORDERED: That every facility and assistance be provided to Counsel for the accused OKAWA to submit written interrogatories to or verbally interrogate each of the following named persons at the place where said person is now located or held:

1. Ro Un Kyo;

(a) The nationality of the witness is Korean.

PURL: http://www.legal-tools.org/doc/8c53b6/

(b) The address of the witness is Seoul, Korea. The witness is an influential member of Korean Political party. He is one of the Koreans who planned the Korean Independence and has gone to Shanghai and established the Korean Independent Government there.

2. SAKATANI, Kiichi;

(a) The nationality of the witness is Japanese.

(b) The witness is supposed to be in Peking. He was Vice-Chief of the General Affair Board in Manchuria.

It is further ORDERED: That the application of the accused for the issuance of a subpoena for each of the persons named in his request for the production of witnesses is indefinitely continued, awaiting the results and disclosures of the interrogations hereinbefore authorized and ordered, and the accused is granted permission to file a supplemental application for the issuance of subpoenas for such witnesses, selected from the list named in his original application (Paper No. 556), as may be found necessary to his proper defense in this case, as a result of said interrogations.

It is further ORDERED: That the application of the accused for the production of documents is granted; and that the following documents, which may be located at the place or in the custody of the agency set forth opposite the description of said documents, be procured forthwith and lodged with the Registry of the Tribunal:

	DOCUMENT	LOCATION
1.	PRAVDA (Newspaper), 1-31 August, 1935. This document contains the resolution and activities of Comintern, especially of the Seventh Congress.	PRAVDA Press Co., U. S. S. R.
2.	Leninism Hrest matiya "XPECTOMATIA", 1933. Published by Lenpart izdat.	Lenpart izdat, U. S. S. R.

PURL: http://www.legal-tools.org/doc/8c53b6/

This document is published at the celebration of Stalin's Fiftieth Birthday.

3. Tung-Ping Daily News (Tohoku-Nippo), January 15, 1932. This document contains a report on Mukden Four Races Preservation Council which consists of 28 private associations. That report is entitled as "Our Expectation for the Establishment of a New State in Manchuria and Mongolia", signed by 862,000 members and Wang Wei-Chou was selected as chairman and representative.

Tung-Ping Daily Press Co., Mukden, Manchuria.

4. Pamphlets entitled as follows: Published by the Young People's Federation of Manchuria. 1931-1932.

Los Angeles Library

a. "The Stand of this Federation."

b. "Is China really a State?"

c. "Outline of the Sino-Japanese Clash in Manchuria."

d. "Evidences that the Chinese 'Non-Resistance Policy was a Hoax'".

e. "What happened immediately after the Blowing up of the Railway Track by the Chinese Soldiers."

f. "The Reason for Chastising the Chinese Troops near Chan-Chun."

g. "Devastation by Fugitive Soldiers and Hung Hu Dzu."

h. "Study of the Chinese Army in connection with the Present Clash."

i. "Statistics on Sino-Japanese Fighting."

j. "Some Facts which Prevent Japan from Withdrawing Her Troop."

PURL: http://www.legal-tools.org/doc/8c53b6/

5. Documents located at Washington Document Center, Stuart Bldg., Washington, D.C., and described as follows:

Shipping Advice 15072

Crate No.	Item No.	Description
95	116	"File of classified Correspondence and Records dealing with Manchurian Affairs", 1932.
95	116	"File of classified Correspondence and Records dealing with Manchurian Affairs", 1934.
51 & 52	39	"Appendix to the File of Correspondence and Records dealing with Manchurian Affairs". 1934.

Dated at Tokyo, Japan, this 4 December 1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb
PRESIDENT OF THE TRIBUNAL

PURL: http://www.legal-tools.org/doc/8c53b6/

Paper No. 596
Disposes of
Paper No. 554

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	ORDER:
	FOR THE ISSUANCE OF SUMMONS
- vs -	FOR WITNESSES ON BEHALF OF
	THE ACCUSED SATO; AND FOR
ARAKI, Sadao; et al	THE PRODUCTION OF DOCUMENTS

This matter coming on to be heard on this 20th day of November, 1946, before the Honorable Sir William Webb, President of the Tribunal, upon the application of SATO, Kenryo, one of the defendants herein, for the production of witnesses and documents necessary to the defense of said SATO, Kenryo, in accordance with the provisions of Section III, Article 9, Paragraph (e) of the Charter, the names of said witnesses and the description of the documents being fully set forth in said application, which is Paper No. 554; and after hearing the statements and arguments of Counsel for the said SATO, Kenryo, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application as to each of the following named persons be granted, as prayed:

1. NISHIURA, Susumu;

   (a) This person is a Japanese, resident of Tokyo;

   (b) He was Chief of the Military Affairs Section when SATO was Chief of the Military Affairs Bureau.

PURL: http://www.legal-tools.org/doc/e6ebca/

2. SANADA, Joichiro;

(a) This person is a Japanese, resident of Tokyo;

(b) He was Chief of the Military Affairs Bureau as successor to SATO. He was in charge of the Liason Conference between the General Staff and Cabinet as well as of the business of the Conference held in the presence of the Emperor.

3. SHIMOMURA, Sadamu;

(a) This person is a Japanese, resident of Tokyo;

(b) He was formerly Minister of War after the time of surrender and is now in Sugamo Prison. He attended the Geneva International War Prisoners Conference held in 1929, as the representative of the Japanese Government.

4. ABE, Nobutaka;

(a) This person is a Japanese, resident of Tokyo;

(b) He was formerly Prime Minister and Governor General of Korea.

5. HATTA, Shiroji;

(a) This person is a Japanese, resident of Sendai;

(b) He is professor of the Tohoku Imperial University and an intimate friend of SATO.

6. NOMURA, Karoku;

(a) This person is a Japanese, resident of Tokyo;

(b) He is a member of the House of Peers and an acquaintance of SATO.

7. SHIRAI, Seishin;

(a) This person is a Japanese, resident of Tokyo;

(b) He is an official of the Demobilization Board;

and that a summons be issued, by the Secretary General of the Tribunal, commanding each of said persons, to- wit:

PURL: http://www.legal-tools.org/doc/e6ebca/

NISHIMURA, Susumu, SANADA, Joichiro, SHIMOMURA, Sadamu, ABE, Nobutaka, HATTA, Shiroji, NOMURA, Karoku, and SHIRAI, Seishin, to attend and testify before said Tribunal as a witness for the accused SATO, Kenryo, at a time indicated to the Secretary General of the Tribunal, by counsel of record for the said accused, as a probable date when the witness will be actually required.

It is further ORDERED: That the application of the accused for the production of documents is granted; and that the following documents, all of which may be located in the Washington Document Center, Stuart Building, Washington, D. C., Shipping Advice #15072, be procured forthwith and lodged with the Registry of the Tribunal:

Crate No.	Items No.	Description
96, 51 & 66	21	File dealing with classified war prisoners, 1942.
650	43	File of non-classified correspondence and records dealing with China Affairs, 1942 (3 bundles.)
166	273	Transcript of telegrams exchanged between the chief of staff of the China Expeditionary Army and the Vice-Minister of War on the question of executing U.S. aviators, captives while bombing Japan 25 April to 8 May 1942 (5 pages).
11	375	Mimeographed booklets, "Military Regulations Issued by the G.H. China Expeditionary Army for the Punishment of Enemy Fliers", 13 August 1942 (4 volumes).
?	379	File of miscellaneous correspondence and records of War Ministry, 1940-1942 (1 bundle).

Dated at Tokyo, Japan, this 4 December 1946.

BY THE TRIBUNAL:

(Signed) W. F. WEBB
PRESIDENT

PURL: http://www.legal-tools.org/doc/e6ebca/

Paper No. 599
Disposes of
Papers Nos. 558 and
560, in part only.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al - vs - ARAKI, Sadao; et al	ORDER: THAT FACILITIES TO INTERVIEW OR INTERROGATE IN WRITING CERTAIN WITNESSES REQUESTED BY THE ACCUSED OSHIMA BE PROVIDED; AND FOR THE PRODUCTION OF DOCUMENTS.

This matter coming on to be heard on this 20th day of November, 1946, before The Honorable Sir William Webb, President of the Tribunal, upon the applications of OSHIMA, Hiroshi, one of the defendants herein, for the production of witnesses and documents necessary to the defense of said OSHIMA, Hiroshi, in accordance with the provisions of Section III, Article 9, Paragraph (e) of the Charter, the names of said witnesses and the description of the documents being fully set forth in said applications, which are Papers Nos. 558 and 560; and after hearing the statements and arguments of Counsel for the said OSHIMA, Hiroshi, and the Tribunal being fully advised in the premises, it is

ORDERED: That each of the following named persons, all of whom are Japanese nationals and may be located within the territorial limits of Japan, be produced or required to present himself at the time and place directed by the General Secretary of the Tribunal for interrogation by Counsel for the accused OSHIMA to determine if his persence will be required at a later date to testify on behalf of the said OSHIMA:

PURL: http://www.legal-tools.org/doc/2eb7b3/

1. ARITA, Hachiro;

(a) The nationality of the witness is Japanese; His address is Tokyo, Shibuya-Ku, Yoyogi Nishihara;

(b) This witness was Foreign Minister from 1936 to 1937, Political Adviser to the Foreign Office 1938, Foreign Minister 1939 and 1940.

2. MUSHAKOJI, Kintomo;

(a) The nationality of the witness is Japanese; His address is Tokyo, Shibuya-Ku, Harajuku, 3 Chome;

(b) This witness was Ambassador to Turkey 1933 to 1934. He was Ambassador to Germany 1934 to 1937 and concluded the Anti-Comintern Pact.

3. WAKAMATSU, Tadaichi;

(a) The nationality of the witness is Japanese; His address is Tokyo, Kitatama-Gun, Musashino-Machi, Kichijoji;

(b) This witness was Vice-Minister of War in 1945, Chief of German Sub-Section, GHQ, in 1935 and 1936 at the time when the defendant OSHIMA was Military Attache in Germany.

4. KASAHARA, Yukio;

(a) The nationality of the witness is Japanese; His address is Kanagawa Prefecture, Ashigara-Shimo-Gun, Shimo-Nakamura;

(b) This witness was chief of the Russian Section of GHQ 1936-1937 and was sent to Berlin as an assistant to OSHIMA when he was Military Attache in Berlin in 1938.

PURL: http://www.legal-tools.org/doc/2eb7b3/

5. KAWABE, Torashiro;

(a) The nationality of the witness is Japanese; His address is Nagoya, Higashi-Ku, Higashi-Sotobori-Cho, c/o Takano;

(b) This witness was Military Attache to Germany from 1938 to 1940, succeeding OSHIMA when he became Ambassador.

6. YOSHINAKA, Kazutaro;

(a) The nationality of the witness is Japanese; His address is Tokyo, Setagaya-Ku, Kitazawa;

(b) This witness was Section Chief of GHQ Intelligence in 1936-1937 and had direct supervision over the White Russian Counter-Intelligence System in Germany.

7. USAMI, Uzuhiko;

(a) The nationality of the witness is Japanese; His address is Tokyo, Nakano-Ku, Honcho-Dori;

(b) This witness was Consul-General in Geneva 1937-1938. He was Counsellor of the Japanese Embassy in Berlin 1938-1940.

8. TAKEUCHI, Ryuji;

(a) The nationality of the witness is Japanese; His address is Hokkaido, Sapporo;

(b) This witness was Secretary of the Japanese Embassy in Berlin 1938-1939.

9. SAITO, Ryoei;

(a) The nationality of the witness is Japanese; His address is Tokyo, Shibuya-Ku-, Shoto;

(b) This witness was Political Advisor to the Foreign Office from August 1940 to July 1941.

PURL: http://www.legal-tools.org/doc/2eb7b3/

10. OHASHI, Chuichi;

(a) The nationality of the witness is Japanese; His address is Gifu Prefecture, Hajima-Gun, Koguma-Mura;

(b) This witness was Vice Foreign Minister under Matsuoka.

11. MATSUMOTO, Shunichi;

(a) The nationality of the witness is Japanese; His address is Tokyo, Meguro-Ku, Sanya, 80;

(b) This witness was Director of the Treaty Department of the Foreign Office 1940-1942. He was Foreign Minister from 1942 to 1944.

12. NOMURA, Naokuni;

(a) The nationality of the witness is Japanese; His address is Tokyo, Setagaya-Ku, Kitazawa;

(b) This witness was the Japanese member of Military Commission in Berlin 1940-1943. He was Navy Minister in 1945 in Koiso Cabinet.

13. YOKOI, Tadao;

(a) The nationality of the witness is Japanese; His address is Wakayama Prefecture, Tanabe-shi, Honcho;

(b) This witness was Naval Attache 1941-1943 in Berlin.

14. KOMATSU, Mitsuhiko;

(a) The nationality of the witness is Japanese; His address is Kochi Prefecture, Kami-gun, Yamada-mura;

(b) This witness was Military Attache in Berlin 1941 to 1945.

PURL: http://www.legal-tools.org/doc/2eb7b3/

15. KAWAHARA, Shunichiro;

(a) The nationality of the witness is Japanese; His address is Kanagawa Prefecture, Kamakura, Nikaido;

(b) This witness was Secretary of the Japanese Embassy in Rome 1930-1940; Counsellor of the Japanese Embassy in Berlin 1940-1945; In charge of the over-all political matters and information. Second position to defendant OSHIMA.

16. UGAKI, Kazushige;

(a) The nationality of the witness is Japanese; His address is Shizuoka Prefecture, Izu-Nagaoka;

(b) This witness was Foreign Minister in 1938.

17. HIGUCHI, Kiichiro;

(a) The nationality of the witness is Japanese; His address is Tokyo, Setagaya-Ku, Tamagawa, Denyen-chofu;

(b) This witness was Chief of the Second Division of GHQ 1938-1940.

18. ARISUE, Seizo;

(a) The nationality of the witness is Japanese; His address is Tokyo, Setagaya-Ku, Matsubare-cho;

(b) This witness was Military Attache in Italy 1936-1939; Chief of the Second Division of GHQ 1942-1945, directly supervising all the Military Attaches of Japan.

19. KARAKAWA, Yasuo;

(a) The nationality of the witness is Japanese; His address is Tokyo, Suginami-Ku, Ogikubo;

PURL: http://www.legal-tools.org/doc/2eb7b3/

(b) This witness was Chief of the Counter-Intelligence Section of GHQ 1937-1939 and 1940.

20. HARA, Shiro;

(a) The nationality of the witness is Japanese; His address is First Demobilization Bureau, Tokyo;

(b) This witness was a member of 20. Section of GHQ (War Policy) 1940-1942.

21. KOTANI, Etsuo;

(a) The nationality of the witness is Japanese; His address is Hamaguchi Prefecture, Saba-gun, Migita-Mura;

(b) This witness was Chief of 20. Section of GHQ (War Policy) 1942; Assistant Military Attache in Germany 1943-1945.

It is further ORDERED: That every facility and assistance be provided to Counsel for the accused OSHIMA to submit written interrogatories to or verbally interrogate each of the following named persons at the place where said person is now located and held:

1. SALGO, Jugo;

(a) The nationality of the witness is Japanese; He is now in Shanghai, a prisoner of war;

(b) This witness was Chief of the German Sub-Section of GHQ 1938-1939; Assistant Military Attache in Berlin 1941-1943, especially attached to OSHIMA from the Military Attache's Office.

2. General OTT, Eugen;

(a) The nationality of the witness is German; He is now in Peking;

PURL: http://www.legal-tools.org/doc/2eb7b3/

(b) This witness was Ambassador to Japan 1938-1943.

3. FISCHER

(a) The nationality of the witness is German;
He is now believed to be in Shanghai;

(b) This witness was German Consul in Shanghai 1935-1945.

4. NAKAJIMA, Tetsuzo;

(a) The nationality of the witness is Japanese;
He is now in Sumatra, N.E.I.

(b) This witness was Vice Chief of Staff, December 1937 to September 1939.

5. MANAKI, Yoshinobu;

(a) The nationality of the witness is Japanese;
He is now a prisoner of war in French Indo-China;

(b) This witness was Chief of the German Sub-Section of GHQ 1936-1938; Assistant Military Attache in Germany 1938-1939.

6. BOLZE, Dr. Erich;

(a) The nationality of the witness is German;
His address is Hamanashi Prefecture, Kawaguchi;

(b) This witness was Counsellor of the German Embassy in Japan 1938-1941 (when Ott was Ambassador) and 1943-1945 (when Stahmer was Ambassador). He was German Charge d'Affaires in Japan during the brief period of Ott's absence in 1941.

7. NISHIO, Toshizo;

(a) The nationality of the witness is Japanese;
He is now in custody in Sugamo Prison, Tokyo;

(b) This witness was Vice Chief of Staff 1936.

8. TANI, Masayuki;

PURL: http://www.legal-tools.org/doc/2eb7b3/

(a) The nationality of the witness is Japanese;
He is now in custody in Sugamo Prison, Tokyo;

(b) This witness was Vice-Foreign Minister 1939-1940.

9. STAHMER, Henrich Georg;

(a) The nationality of the witness is German;
He is now in custody in Sugamo Prison, Tokyo;

(b) This witness was Ambassador to Japan 1943-1945,
Liaison between von Ribbentrop and Oshima 1938 to 194.

It is further ORDERED: That Counsel for the accused OSHIMA may submit written interrogatories to each of the following named persons listed in his application and that every facility be afforded to the said Counsel in securing the submission of said interrogatories and the answers of the witnesses thereto:

1. SCHMIDT, Paul;

(a) The nationality of the witness is German;
His address is Neurnberg, Germany;

(b) This witness was Foreign Office Interpreter for Hitler, von Ribbentrop and all major conferences during crucial period between 1935 and 1945.

2. GOTTFRIEDSEN

(a) The nationality of the witness is German;
His address is unknown;

(b) This witness was Liaison between von Ribbentrop and Oshima 1941-1945.

3. General MARSHALL, George C.

(a) The nationality of the witness is American;
He is now in Nanking;

(b) This witness was Chief of Staff, U.S. Army.

It is further ORDERED: That the applications of the accused for the issuance of a subpoena for each of the persons

PURL: http://www.legal-tools.org/doc/2eb7b3/

named in his requests for the production of witnesses is indefinitely continued, awaiting the results and disclosures of the interrogations hereinbefore authorized and ordered, and the accused is granted permission to file a supplemental application for the issuance of subpoenas for such witnesses, selected from the list named in his original applications (Papers Nos. 558 and 560), as may be found necessary to his proper defense in this case, as a result of said interrogations.

It is futher ORDERED: That the application of the accused for the production of documents is granted; and that the following documents, which may be located at the place or in the custody of the agency set forth opposite the descriptions of said documents, be procured forthwith and lodged with the Registry of the Tribunal:

DOCUMENT	LOCATION
State Department files on the internment of OSHIMA at Bedford Springs, Pennsylvania, from July 1945 to November 1945.	State Department, Washington, D. C.

It is further ORDERED: That all Prosecution documents seized in Germany and now in the files of Prosecution, which have not been used in Prosecution's case, be made available to Counsel for the accused OSHIMA for inspection and use as Exhibits.

Dated at Tokyo, Japan, this 5 December 1946.

BY THE TRIBUNAL:

Signed W. F. WEBB
PRESIDENT

PURL: http://www.legal-tools.org/doc/2eb7b3/

Paper No. 600
Disposes of
Paper No. 538, in
part only.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	ORDER:
-vs -	THAT FACILITIES TO INTERVIEW OR SUBMIT WRITTEN INTERROGATORIES TO, CERTAIN WITNESSES REQUESTED BY THE ACCUSED KOISO BE PROVIDED; AND FOR THE PRODUCTION OF DOCUMENTS.
ARAKI, Sadao; et al	

This matter coming on to be heard on this 15th day of November, 1946, before The Honorable Sir William Webb, President of the Tribunal, upon the application of KOISO, Kuniaki, one of the defendants herein, for the production of witnesses and documents necessary to the defense of said KOISO, Kuniaki, in accordance with the provisions of Section III, Article 9, Paragraph (e) of the Charter, the names of said witnesses and the description of the documents being fully set forth in said application, which is Paper No. 538; and after hearing the statements and arguments of Counsel for the said KOISO, Kuniaki, and the Tribunal being fully advised in the premises, it is

ORDERED: That each of the following named persons, all of whom are Japanese nationals and may be located within the territorial limits of Japan, be produced or required to present himself at the time and place directed by the General Secretary of the Tribunal for interrogation by Counsel for the accused KOISO to determine if his presence will be required at a later date to testify on behalf of the said KOISO:

PURL: http://www.legal-tools.org/doc/0bf153/

1. NAKAMURA, Benko;

(a) The nationality of the witness is Japanese;

(b) He is a Bhuddist priest, now residing in the Zojoji (a Bhuddist temple) in Shiba-ku, Tokyo.

2. Major General ISHIMARU, Shitoma;

(a) The nationality of the witness is Japanese;

(b) His address is No. 991 Unane-machi, Setagaya-ku, Tokyo.

It is further ORDERED: That every facility and assistance be provided to Counsel for the accused KOISO to submit written interrogatories to or verbally interrogate the following named person at the place where said person is now located and held:

Lt. General SAITO, Yaheita;

(a) The nationality of the witness is Japanese;

(b) He was the President of the Manchurian Development Company. He is at present believed to be under detention by the Soviet Government at Chiamsu in Manchuria.

It is further ORDERED: That Counsel for the accused KOISO may submit written interrogatories to each of the following named persons listed in his application and that every facility be afforded to the said Counsel in securing the submission of said interrogatories and the answers of the witnesses thereto:

1. A. W. GRISWOLD:

(a) The nationality of the witness is American;

(b) He is an Assistant Professor of Political Science at Yale University, and author of the book "The Far Eastern Policy of the United States."

PURL: http://www.legal-tools.org/doc/0bf153/

His present address is believed to be, New Haven, Connecticut, U.S.A., care of Yale University.

2. F. R. EIDRIDGE;

(a) The nationality of the witness is American;

(b) He is a Professor of Political Economy at Columbia University, and author of the book "The Dangerous Thoughts on the Orient." His present address is believed to be, New York City, New York, U.S.A., care of Columbia University.

3. RALPH TOWSEND:

(a) The nationality of the witness is American;

(b) He is an Instructor of Journalism at Leland Stanford University. His present address is believed to be Stanford, California, near Palo Alto; care of Stanford University.

It is further ORDERED: That the application of the accused for the issuance of a subpoena for each of the persons named in his request for the production of witnesses is indefinitely continued, awaiting the results and disclosures of the interrogations hereinbefore authorized and ordered, and the accused is granted permission to file a supplemental application for the issuance of subpoenas for such witnesses, selected from the list named in his original application (Paper No. 538), as may be found necessary to his proper defense in this case, as a result of said interrogations.

It is further ORDERED: That the application of the accused for the production of documents is granted; and that the

PURL: http://www.legal-tools.org/doc/0bf153/

following documents, which may be located at the place or in the custody of the agency set forth opposite the description of said documents, be procured forthwith and lodged with the Registry of the Tribunal:

	DOCUMENT	LOCATION
1.	Book, entitled: "The Far Eastern Policy of the United States," by A. W. Grisford.	Any good book store; or through the author.
2.	Book, entitled: "The Dangerous Thoughts on the Orient," by F. R. Eidridge.	Any good book store; or through the author.

Dated at Tokyo, Japan, this 6 December 1946.

BY THE TRIBUNAL:

Signed W. F. WEBB
PRESIDENT

PURL: http://www.legal-tools.org/doc/0bf153/

Paper No. 601
Disposes of
Paper No. 572

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al

vs

ARAKI, Sadao; et al

ORDER:
GRANTING APPLICATION OF THE
ACCUSED SHIGEMITSU FOR THE
ISSUANCE OF SUMMONS FOR
WITNESSES ON HIS BEHALF;
AND FOR THE PRODUCTION OF
DOCUMENTS.

This matter coming on to be heard on this 22nd day of November, 1946, before The Honorable Sir William Webb, the President of the Tribunal, upon the application of SHIGEMITSU, Mamoru, one of the defendants herein, for the production of certain witnesses and documents necessary to the defense of said SHIGEMITSU, Mamoru, in accordance with the provisions of Section III, Article 9, Paragraph (e) of the Charter, the names of said witnesses and the description of the documents being fully set forth in said application, which is Paper No. 572; and after hearing the statements and arguments of Counsel for the said SHIGEMITSU, Mamoru, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application as to each of the following named persons be granted, as prayed:

1. TANAKA, Ryukichi;

(a) The nationality of the witness is Japanese;

(b) The witness is now in Tokyo City, Ushigome-ku, War Ministry Building, I.P.S., Investigation Division;

PURL: http://www.legal-tools.org/doc/5532fc/

2. UGAKI, Kazunari;

(a) The nationality of the witness is Japanese;

(b) The witness is now in Atami City, Izusan;

3. HIROSE, Setzuo;

(a) The nationality of the witness is Japanese;

(b) The witness is now in Tokyo Central Liaison Office;

4. SUZUKI, Tadakatsu;

(a) The nationality of the witness is Japanese;

(b) The witness is now in Yokohama, Liaison Office Bureau;

and that a summons be issued, by the Secretary General of the Tribunal, commanding each of said persons, to wit: TANAKA, Ryukichi, UGAKI, Kazunari, HIROSE, Setzuo, and SUZUKI, Tadakatsu, to attend and testify before said Tribunal as a witness for the accused SHIGEMITSU, Mamoru, at a time indicated to the Secretary General of the Tribunal, by Counsel of record for the said accused, as a probable date when the witness will be actually required.

It is further ORDERED: That the application of the accused for the production of a document is granted; and that the document described below, which may be located in the International Prosecution Section, War Ministry Building, Tokyo, Japan, be procured forthwith and lodged with the Registry of the Tribunal:

Diary of M. M. LITVINOV, former Commissar of Foreign Affairs of the Soviet Union (from July 1, 1938 to August 31, 1938); excerpts were introduced as Exhibit No. 754.

Dated at Tokyo, Japan, this 6 December, 1946.

BY THE TRIBUNAL:

Signed W. F. WEBB
PRESIDENT

PURL: http://www.legal-tools.org/doc/5532fc/

Paper No. 605
Disposes of
Paper No. 584

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al

- vs -

ARAKI, Sadao; et al

ORDER: GRANTING APPLICATION OF PROSECUTION FOR EXEMPTION FROM RULE 6(B) (1) WITH RESPECT TO PROSECUTION DOCUMENTS NOS. 2790, 2791, 2793 ET AL; AND IMPOSING CONDITIONS.

This matter coming on to be heard on this 6th day of December, 1946, before The Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution for an order of exemption from the provisions of Rule 6(b)(1) of the Rules of Procedure of the International Military Tribunal for the Far East, with respect to International Prosecution Section documents enumerated, together with their respective Judge Advocate Service Report number, as follows:

Judge Advocate Service Report No.	IPS Document No.	Judge Advocate Service Report No.	IPS Document No.
69	2790	11	2801
174	2791	27	2802
126	2793	166	2803
117	2794	161	2804
99	2795	73	2806
90	2796	1	2807
96	2797	76	2808
53	2798	75	2809
189	2799	74	2810
197	2800	71	2811

PURL: http://www.legal-tools.org/doc/736919/

Judge Advocate Service Report No.	IPS Document No.	Judge Advocate Service Report No.	IPS Document No.
70	2812	253	2833
88	2813	101	2834
84	2814	137	2835
151	2815	140	2836
142	2816	72	2837
109	2817	66	2838
180	2818	106	2839
262	2820	290	2843
263	2821	233	2841
265	2822	61	2844
267	2823	210	2855
272	2824	282	2856
281	2825	302	2857
285	2826	287	2858
304	2827	298	2859
300	2828	63	2864
303	2829	55	2865
207	2830	49	2869
209	2831		
291	2832		

from which, the prepared summaries of evidence or summaries of said reports contained therein and a part thereof, the Prosecution intend to be adduced in evidence, so as to permit the Prosecution to serve upon the accused, or their Counsel, copies of such summaries, only, as excerpts from said documents, in both the Japanese and the English language, in the place and stead of the entire original reports or documents; and after hearing the arguments of Counsel, and the Tribunal being fully advised in

PURL: http://www.legal-tools.org/doc/736919/

the premises, it is

ORDERED: That the said application be and is hereby granted, as prayed; and it is further

ORDERED: That all of said documents, together with the affidavits and summaries attached thereto or a part thereof, remain in the office of the Clerk of the Tribunal until further order of the Tribunal, and that said documents, affidavits and summaries be made available to the accused or their respective Counsel.

Dated at Tokyo, Japan, this 9 December 1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/736919/

Paper No. 602
Disposes of
Papers Nos. 566 and
577, in part only.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al - vs - ARAKI, Sadao; et al	ORDER: THAT FACILITIES TO INTERVIEW OR INTERROGATE IN WRITING CERTAIN WITNESSES REQUESTED BY THE ACCUSED UMEZU BE PROVIDED; AND FOR THE ISSUANCE OF 7 SUMMONS; AND FOR THE PRODUCTION OF DOCUMENTS.

This matter coming on to be heard on this 25th day of November, 1946, before The Honorable Sir William Webb, the President of the Tribunal, upon the applications of UMEZU, Yoshijiro, one of the defendants herein, for the production of witnesses and documents necessary to the defense of said UMEZU, Yoshijiro, in accordance with the provisions of Section III, Article 9, Paragraph (e) of the Charter, the names of said witnesses and the description of the documents being fully set forth in said applications, which are Papers Nos. 566 and 577; and after hearing the statements and arguments of Counsel for the said UMEZU, Yoshijiro, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application as to each of the following named persons be granted, as prayed;

1. ISHIKAWA, Jun;

(a) The nationality of the witness is Japanese;

(b) The present address of the witness is Sugamo

Paper No. 566 missing

PURL: http://www.legal-tools.org/doc/baf7dc/

Prison, Tokyo.

2. Lieutenant General KASAHARA, Yukio;

(a) The nationality of the witness is Japanese;

(b) The present address of the witness is Kobune, Shimonakamura, Ashigarashimogun, Kanagawa-Ken;

3. TAKAKURA, Tadashi;

(a) The nationality of the witness is Japanese;

(b) The present address of the witness is 4-Chome, Kumamoto-Cho Hida, Oita-Ken;

4. Major General KASHIWA, Toku;

(a) The nationality of the witness is Japanese;

(b) The present address of the witness is Fukushimashi, Fukushima-Ken;

5. Lieutenant General KAWABE, Torashiro;

(a) The nationality of the witness is Japanese;

(b) The present address of the witness is Nagoyashi, Aichi-Ken;

6. KAWAGOE, Shigeru;

(a) The nationality of the witness is Japanese;

(b) The present address of the witness is 804 Horinouchi, Hayama, Kanagawa-Ken;

7. General KAWABE, Masakazu;

(a) The nationality of the witness is Japanese;

(b) The present address of the witness is Sugamo Prison, Tokyo;

and that a summons be issued by the Secretary General of the Tribunal, commanding each of said persons, to-wit: ISHIKAWA, Jun, Lieutenant General KASAHARA, Yukio, TAKAKURA,

PURL: http://www.legal-tools.org/doc/baf7dc/

Tadashi, Major General KASHIWA, Toku, Lieutenant General KAWABE, Torashiro, KAWAGOE, Shigeru, and General KAWABE, Masakazu, to attend and testify before said Tribunal as a witness for the accused UMEZU, Yoshijiro, at a time indicated to the Secretary General of the Tribunal, by Counsel of record for the said accused, as a probable date when the witness will be actually required.

It is further ORDERED: That every facility and assistance be provided to Counsel for the accused UMEZU to submit written interrogatories to or verbally interrogate each of the following named persons at the place where said person is now located or held:

1. Lieutenant General TOMINAGA, Kyoji;
   (a) The nationality of the witness is Japanese;
   (b) The present address of the witness is unknown; his affidavits introduced in this case by the Prosecution show him to be a prisoner of war of the Soviet forces in Siberia;
2. Colonel ASADA, Saburo;
   (a) The nationality of the witness is Japanese;
   (b) His last official position was staff officer of the Kwantung Army, Hsingking, and his present address is prisoner of war of the Soviet forces;
3. Lieutenant General YANAGIDA, Motozo;
   (a) The nationality of the witness is Japanese;
   (b) The present address of the witness is unknown

PURL: http://www.legal-tools.org/doc/baf7dc/

but affidavits introduced in this case by the Prosecution show him to be a prisoner of war of the Soviet forces in Siberia;

4. YAMAZAKI, Genkan;

(a) The nationality of the witness is Japanese;

(b) His present address is unknown, but he was President of the South Manchuria Railway Company in August 1945, his address then being 5 Chome Ayame-Cho, Hsinking, Manchuria, and he is believed to be a prisoner of war of the Russian forces in Manchuria;

5. H. G. W. WOODHEAD;

(a) The nationality of the witness is British;

(b) The present address of the witness is unknown, but he is understood to be connected with a newspaper published in Canton, Kwantung Province, China;

6. NATHAN (given name unknown)

(a) The nationality of the witness is British;

(b) The present address of the witness is unknown; hewas interned in Peiping during the war and reported since the end of the war to have resumed his connections with the Kailan Mining Administration in Tientsin;

7. Lieutenant General TANABE, Moritake;

(a) The nationality of the witness is Japanese;

(b) The present address of the witness is unknown; his last official position was commanding General of the 25th Army in Sumatra. He is

PURL: http://www.legal-tools.org/doc/baf7dc/

now believed to be a prisoner of war of the Netherlands forces in the Netherlands East Indies;

8. Lieutenant General MUTAGUCHI, Ren-ya;

(a) The nationality of the witness is Japanese;

(b) The present address of the witness is unknown; his last official position was commandant of the Preparatory Military Academy in Tokyo, and after the end of the war he was transferred from Sugamo Prison to Singapore for trial as a war criminal;

9. WAGNER, Wilhelm;

(a) The nationality of the witness is German;

(b) The present address of the witness is unknown, but he is reported to be in Japan and interned under the supervision of the occupation forces.

It is further ORDERED: That the application of the accused for the issuance of a subpoena for each of the persons named in his request for the production of witnesses is indefinitely continued, awaiting results and disclosures of the interrogations hereinbefore authorized and ordered, and the accused is granted permission to file a supplemental application for the issuance of subpoenas for such witnesses selected from those named in this Order as may be found necessary to his proper defense in this case as a result of said interrogations.

It is further ORDERED: That the application of the accused for the produetion of documents is granted; and that

PURL: http://www.legal-tools.org/doc/baf7dc/

the following documents, all of which were kept in the secret files, especially the Secret Instructions File, of the headquarters of the Kwantung Army, located in the operations room of the Kwantung Army headquarters building in Hsingking, Manchuria (inquiry may be made through the U.S.S.R.), be procured forthwith and lodged with the Registry of the Tribunal:

1. Principles of Plans of Operations of the Imperial Army (Teikoku Rikugun Sakusen Keikaku Yoko), prepared in the autumns of the years 1940, 1941, 1942, and 1943 respectively, by the Japanese General Staff and forwarded to the headquarters of the Kwantung Army;

2. Principles for Preparation of Operations of the Kwantung Army (Kantogun Sakusen Jumbi Yoko), February 1942, prepared by the Japanese General Staff and forwarded to the headquarters of the Kwantung Army;

3. Operations Plan of the Kwantung Army (Kantogun Sakusen Keikaku), prepared in the springs of the years 1940, 1941, 1942, 1943, and 1944 by the headquarters of the Kwantung Army;

4. Border Guard Regulations of the Kwantung Army (Kokkyo Keibi Yoko), prepared in September or October 1939 by the headquarters of the Kwantung Army;

5. Kwantung Army Special Maneuvers (Kantogun Tokubetsu Enshu, commonly referred to as Kantokuen), prepared in the summer of 1941 by the Japanese General Staff and forwarded to the headquarters of the Kwantung Army.

Dated at Tokyo, Japan, this 6 December 1946.

BY THE TRIBUNAL:

/s/ W. F. WEBB
PRESIDENT

PURL: http://www.legal-tools.org/doc/baf7dc/

Paper No. 603
Disposes of
Paper No. 583

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

CASE NO. 1

THE UNITED STATES OF AMERICA; et al

- vs -

ARAKI, Sadao; et al

ORDER:
GRANTING APPLICATION OF PROSECUTION FOR EXEMPTION FROM RULE 6(b) (1) WITH RESPECT TO PROSECUTION DOCUMENTS NOS. 552, 2749 ET AL.

This matter coming on to be heard on this 6th day of December 1946, before The Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution for an order of exemption from the provisions of Rule 6(b)(1) of the Rules of Procedure of the International Military Tribunal for the Far East, with respect to International Prosecution Section documents Nos. 552, 2749, 2850, 2777, 2776, 2718, 426, 2707, 428, 415 and 425, portions of which the Prosecution intend to be adduced in evidence, so as to permit the Prosecution to serve upon the accused or their Counsel, copies of excerpts, only, from said documents, in both the Japanese and the English language, in the place and stead of the entire original documents; and after hearing the arguments of Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application be and is hereby grante as prayed.

Dated at Tokyo, Japan, this 6 December 1946.

BY THE TRIBUNAL:

Signed W. F. WEBB
PRESIDENT

PURL: http://www.legal-tools.org/doc/ba66f0/

Paper No. 606
Disposes of
Paper No. 567,
in part only.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	ORDER:
- vs -	THAT FACILITIES TO INTERVIEW OR INTERROGATE CERTAIN WITNESSES REQUESTED BY THE ACCUSED TOJO BE PROVIDED; AND FOR THE ISSUANCE OF 3 SUMMONSES; AND FOR THE PRODUCTION OF DOCUMENTS.
ARAKI, Sadao; et al	

This matter coming on to be heard on this 25th day of November, 1946, before The Honorable Sir William Webb, the President of the Tribunal, upon the application of TOJO, Hideki, one of the defendants herein, for the production of certain witnesses and documents necessary to the defense of said TOJO, Hideki, in accordance with the provisions of Section 3, Article 9. paragraph (e) of the Charter, the names of said witnesses and the descriptions of the documents being set forth in said application, which is Paper No. 567; and after hearing the statements and arguments of Counsel for the said TOJO, Hideki, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application as to each of the following named persons be granted, as prayed:

1. SUZUKI, Kantaro;
   (a) The nationality of the witness is Japanese;
   (b) His address is No. 737 Sekiyado-machi, Higashi-Katsushika Gun, Chiba Prefecture; he was Prime Minister in September, 1945.

PURL: http://www.legal-tools.org/doc/6fbac5/

2. IWATA, Ainosuke;

(a) The nationality of the witness is Japanese;

(b) His address in No. 8 Shirokane - dai-machi 1 chome, Shibaku, Tokyo; he was the leader of "Aikoku-sha."

3. KOMAI, Tokuzo;

(a) The nationality of the witness is Japanese;

(b) His address is Horinouchi Namamura, Sakagun, Gunma Prefecture. He is the former president of General Affairs Bureau of Manchukuo;

and that a summons be issued, by the Secretary General of the Tribunal, commanding each of said persons, to-wit: SUZUKI, Kantaro, IWATA, Ainosuke, and KOMAI, Tokuzo, to attend and testify before said Tribunal as a witness for the accused TOJO, Hideki, at a time indicated to the Secretary General of the Tribunal, by counsel of record for the said accused, as a probable date when the witness will be actually required.

It is further ORDERED: That each of the following named persons, all of whom are Japanese nationals and may be located within the territorial limits of Japan, be produced or required to present himself at the time and place directed by the General Secretary of the Tribunal for interrogation by Counsel for the accused TOJO, to determine if his presence will be required at a later date to testify on behalf of the said TOJO:

1. OKADA, Tadahiko;

(a) The nationality of the witness is Japanese;

(b) His address is 19 Nakano - cho, Azabuku, Tokyo. He was Welfare Minister in September 1945 and formerly speaker of the House of Representatives.

PURL: http://www.legal-tools.org/doc/6fbac5/

2. SHINOBU, Dzunpei;

(a) The nationality of the witness is Japanese;

(b) His address is Kashiwa-machi, Chiba Prefecture. He is an international lawyer and member of the Imperial Academy.

3. HIGUCHI, Ki-ichiro;

(a) The nationality of the witness is Japanese;

(b) His address is 718 Den-en-chofu, 3 chome, Setagaya-ku, Tokyo. He is a former Lieutenant General.

4. KOGA, Kiyoshi;

(a) The nationality of the witness is Japanese;

(b) His address is Nakameguro, Meguroku, Tokyo. He is a former Navy Lieutenant.

5. TSUGITA, Daizaburo;

(a) The nationality of the witness is Japanese;

(b) His address is 41 Ohtsuka Nakamachi, Koishigawa-ku. He was chief of Legislative Bureau in Hirota Cabinet, and is at present State Minister of the Yoshida Cabinet.

6. YOSHITADA, Wagata;

(a) The nationality of the witness is Japanese;

(b) His address is 3 Hisaki, Zushi-cho in the city of Yokosuka. He is the former chief of the moving picture section of the Osaka Mainichi.

7. SHIMADA, Tosio;

(a) The nationality of the witness is Japanese;

(b) His address is 158 Kogai-cho Azabuku, Tokyo. He is a former speaker of the House of Representatives and several times Cabinet Minister.

PURL: http://www.legal-tools.org/doc/6fbac5/

8. MORIYAMI, Eiichi;

(a) The nationality of the witness is Japanese;

(b) His address is 1075 Hiratsuka 7 chome, Ebaraku, Tokyo. He is a former president of legislative board.

9. IIMURA, Minoru;

(a) The nationality of the witness is Japanese;

(b) His address is 50 Soshigaya 3 chome, Setagaya-ku, Tokyo. President of "Total War Research Institute."

10. OASA, Tadao;

(a) The nationality of the witness is Japanese;

(b) His address is Meiji Club, Nakadori No. 12 Maruno-uchi, Koji-machi-ku, Tokyo. He is former director of Imperial Rule Assistance Political Society. He was also State Minister in the Koiso Cabinet.

11. YUZAWA, Michio;

(a) The nationality of the witness is Japanese;

(b) His address is 228 Yoyogi-Sanya, Shibuyaku, Tokyo. He was Home Minister in the Tojo Cabinet.

12. KANAI, Shozi;

(a) The nationality of the witness is Japanese;

(b) His address is City of Ueda, Nagano Prefecture. He was formerly an official of Manchukuo and Menshen Administrative Council.

13. KATAKURA, Chu;

(a) The nationality of the witness is Japanese;

(b) His address is No. 2658 Kami-Meguro 5 Chome, Meguroku, Tokyo. He is a former Major General with long service in the Kwantung Army.

PURL: http://www.legal-tools.org/doc/6fbac5/

14. UEDA, Kenkichi;

(a) The nationality of the witness is Japanese;

(b) His address is Oiso Kanagawa Prefecture. He was formerly Commander-in-Chief of the Kwantung Army and concurrently Ambassador to Manchukuo.

15. SAKURAI, Takutaro;

(a) The nationality of the witness is Japanese;

(b) His address is Tsuno-machi, Koyu-gun, Miyazaki Prefecture. He was advisor to the Chinese Army at the time of the Marco Polo Incident.

16. MATSUMUR, Koryo;

(a) The nationality of the witness is Japanese;

(b) His address is 4-389, Eifukucho, Suginami-Ku, Tokyo. He was formerly a Major General serving in China as Special Mission Organization.

17. KAGESA, Teisho;

(a) The nationality of the witness is Japanese;

(b) His address is Dai-Ichi Hospital in Tokyo. He was formerly a Lieutenant General serving as liaison office by the Japanese Army and Wang-Ching-Wei Government.

18. KUMATARO, Honda;

(a) The nationality of the witness is Japanese;

(b) His address is 1102 Kamimeguro 7 chome, Meguro-Ku, Tokyo. He was Ambassador to the Wang-Ching-Wei Government.

19. ARITA, Hachiro;

(a) The nationality of the witness is Japanese;

(b) His address is 426 Shimo-ochiai 1 chome, Yodobashi-ku, Tokyo. He was formerly Foreign Minister.

PURL: http://www.legal-tools.org/doc/6fbac5/

20. ISHIWATA, Sotaro;

(a) The nationality of the witness is Japanese;

(b) His address is Seijo-machi, Setagaya-ku, Tokyo. He was Financial Advisor to the Wang Government, and Finance Minister in the Hiranuma, Tojo, and Koiso Cabinets.

21. KUSUMOTO, Masataka;

(a) The nationality of the witness is Japanese;

(b) His address is 151 Asahimachi 2 Chome, Shimotsuma-Cho, Ibaraki Prefecture. He was formerly a Major General serving in Special Service Organization in China.

22. KURUSU, Saburo;

(a) The nationality of the witness is Japanese;

(b) His address is Karui-Zawa, Nagano Prefecture. He was special Ambassador to the United States in 1941.

23. SAITO, Yoshie;

(a) The nationality of the witness is Japanese;

(b) His address is 42 Shoto-cho, Shibuya-Ku, Tokyo. He was advisor to the Foreign Ministry during negotiations between Japan and America.

24. IWAKURO, Tadao;

(a) The nationality of the witness is Japanese;

(b) His address is 789 Denenchofu, 2 Chome, Ohmori-ku, Tokyo. He participated in drafting proposed agreement between America and Japan.

25. YAMAMOTO, Kumaichi;

(a) The nationality of the witness is Japanese;

(b) His address is 9 Shimouma, 3 Chome,

PURL: http://www.legal-tools.org/doc/6fbac5/

Setagaya-Ku, Tokyo. He was President of East Asia Section of Foreign Ministry and later Vice Minister for Greater East Asia Ministry in 1941.

26. ISHIHARA, Kwanji;

(a) The nationality of the witness is Japanese;

(b) His address is Tei-shin Hospital, City of Tsurugaoka, Yamagata Prefecture. He was formerly a Lieutenant General serving in the Kwantung Army.

27. YANO, Mitsuzi;

(a) The nationality of the witness is Japanese;

(b) His address is Mishima-machi, Umagun, Ehime Prefecture. He was formerly a Colonel serving on Army General Staff in charge of military geography.

28. TSUBOKAMI, Sadanobu;

(a) The nationality of the witness is Japanese;

(b) His address is 14 Yoyogi Ohyama-cho, Shibuya-Ku, Tokyo. He was formerly Ambassador to Thailand.

29. OHYAMA, Fumio;

(a) The nationality of the witness is Japanese;

(b) His address is Nagatamachi, 2 Chome, Kojimachi-Ku, Tokyo. Chief of Legal Section of War Ministry (now First Demobilization Bureau).

30. OKADA, Kibusaburo,

(a) The nationality of the witness is Japanese;

(b) His address is 1203 Setagaya-cho 1 Chome, Setagaya-Ku, Tokyo. He is a former Major-General and former official of Cabinet Planning Board.

PURL: http://www.legal-tools.org/doc/6fbac5/

31. MATSUDA, Reikichi;

(a) The nationality of the witness is Japanese;

(b) His address is 238 Kami-ikegami-cho, Ohmori-ku, Tokyo. He was an official in the Cabinet Planning Board.

32. TANAKA, Shinichi;

(a) The nationality of the witness is Japanese;

(b) His address is 2042 Yokoseko, Mizu-e Mura, Mie County, Mie Prefecture. He was formerly a Lieutenant General serving on Army General Staff prior to and during Pacific War.

It is further ORDERED: That every facility and assistance be provided to Counsel for the accused TOJO, Hideki, to submit written interrogatories to or verbally interrogate each of the following named persons at the place where said person is now located and may be found or held:

1. MUDAGUCHI, Renza;

(a) The nationality of the witness is Japanese;

(b) He is now in Singapore Prison. He was formerly a Lieutenant General serving in North China at the time of the China Incident.

2. HARADA, Kumakichi;

(a) The nationality of the witness is Japanese;

(b) He is now a prisoner in Singapore. He was formerly a Lieutenant General and Commander-in-Chief in Java.

3. JOSE, Laurel;

(a) The nationality of the witness is Filipino;

(b) His address is Manila, Philippine Islands. He was formerly President of the Republic

PURL: http://www.legal-tools.org/doc/6fbac5/

of the Philippines.

4. OHTA, Koso;

(a) The nationality of the witness is Japanese;

(b) He is at present confined in Sugamo Prison, Tokyo. He was Education Minister in September 1945.

5. WACHI, Takeji;

(a) The nationality of the witness is Japanese;

(b) He has been confined in Sugamo Prison, Tokyo, but is at present in the Philippine Islands as a witness in war crimes trials.

6. IKEZAKI, Chuko;

(a) The nationality of the witness is Japanese;

(b) He is at present confined in Sugamo Prison, Tokyo. He was formerly a member of the House of Representatives and also Editor in political matters.

7. KISHI, Shinsuke;

(a) The nationality of the witness is Japanese;

(b) He is at present confined in Sugamo Prison, Tokyo. He was formerly Minister of Commerce and Industry and served as official in Manchukou.

8. ANDO, Kisaburo;

(a) The nationality of the witness is Japanese;

(b) He is at present confined in Sugamo Prison, Tokyo. He was formerly president of "Imperial Rule Assistance Society".

9. WACHI, Tsungo;

(a) The nationality of the witness is Japanese;

(b) He is at present confined in Sugamo Prison, Tokyo. He was formerly a Colonel serving

PURL: http://www.legal-tools.org/doc/6fbac5/

in wireless communication station in Owada.

10. MURATA, Shozo;

(a) The nationality of the witness is Japanese;

(b) He is at present confined in Sugamo Prison, Tokyo. He was formerly Ambassador to the Philippine Islands.

11. SUZUKI, Kunji;

(a) The nationality of the witness is Japanese;

(b) He is at present confined in Sugamo Prison, Tokyo. He was formerly a Colonel in charge of Prisoner of War Camps in Tokyo.

It is further ORDERED: That the application of the accused for the issuance of a subpoena for each of the persons named in his request for the production of witnesses is indefinitely continued, awaiting results and disclosures of the interrogations hereinbefore authorized and ordered, and the accused is granted permission to file a supplemental application for the issuance of subpoenas for such witnesses selected from those named in this Order as may be found necessary to his proper defense in this case as a result of said interrogations.

It is further ORDERED: That the application of the accused for the production of the following named documents is granted; and that said documents, which may be located at the place or in the custody of the agency set forth opposite the description of the documents, be procured forthwith and lodged with the Registry of the Tribunal:

PURL: http://www.legal-tools.org/doc/6fbac5/

Cho. career of Isamu, Cabinet Record Office.

It is further ORDERED: That the application of the accused for the production of the documents: to-wit, 46 c; "Roberts Commission Report on Pearl Harbor, dated 23 January 1942", be continued for further consideration by the Tribunal upon application of the accused TOJO.

Dated at Tokyo, Japan, this 11 December 1946.

BY THE TRIBUNAL:

/s/ W. F. WEBB
PRESIDENT

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sent himself at the time and [illegible] Secretary of the Tribunal for interrogation by Counsel for the accused HASHIMOTO, to determine if his presence will be required at a later date to testify on behalf of the said HASHIMOTO:

PURL: http://www.legal-tools.org/doc/6fbac5/

	DOCUMENT	LOCATION
1.	"Sick Bed Diary" of Tanaka, Ryakichi.	National Khonodai Hospital
2.	The record of the official career of Isamu, Cho.	Cabinet Record Office.

It is further ORDERED: That the application of the accused for the production of the documents: to-wit, 46 c; "Roberts Commission Report on Pearl Harbor, dated 23 January 1942", be continued for further consideration by the Tribunal upon application of the accused TOJO.

Dated at Tokyo, Japan, this 11 December 1946.

BY THE TRIBUNAL:

/s/ W. F. WEBB
PRESIDENT

PURL: http://www.legal-tools.org/doc/6fbac5/

Paper No. 607
Disposes of
Paper No. 565,
in part only

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	) ORDER: THAT FACILITIES
	) TO INTERROGATE OR INTER-
- vs -	) VIEW CERTAIN WITNESSES
	) REQUESTED BY THE ACCUSED
ARAKI, Sadao; et al	) HASHIMOTO BE PROVIDED;
	) AND FOR THE PRODUCTION
	) OF DOCUMENTS

This matter coming on to be heard on this 25th day of November, 1946, before The Honorable Sir William Webb, President of the Tribunal, upon the application of HASHIMOTO, Kingoro, one of the defendants herein, for the production of witnesses and documents necessary to the defense of said HASHIMOTO, Kingoro, in accordance with the provisions of Section III, Article 9, Paragraph (e) of the Charter, the names of said witnesses and the description of the documents being fully set forth in said application, which is Paper No. 565; and after hearing the statements and arguments of Counsel for the said HASHIMOTO, Kingoro, and the Tribunal being fully advised in the premises, it is

ORDERED: That the following named person, who is a Japanese national and may be located within the territorial limits of Japan, be produced or required to present himself at the time and place directed by the General Secretary of the Tribunal for interrogation by Counsel for the accused HASHIMOTO, to determine if his presence will be required at a later date to testify on behalf of the said HASHIMOTO:

PURL: http://www.legal-tools.org/doc/a6afce/

1. TERADA, Masao;

(a) The nationality of the witness is Japanese;

(b) The witness is now residing in Fukui Prefecture, Japan;

(c) The witness was a Lieutenant General in the Japanese Army and was at one time one of the Staff Officers of the Yanagawa Army in the China area. The defendant HASHIMOTO was a commanding officer of one of the units of the Yanagawa Army.

It is further ORDERED: That every facility and assistance be provided to Counsel for the accused HASHIMOTO, Kingoro, to submit written interrogatories to or verbally interrogate each of the following named persons at the place where said person is now located and may be found or held:

1. OTA, Kozo;

(a) The nationality of the witness is Japanese;

(b) The witness is now in Sugamo Prison, Tokyo;

(c) The witness was at various times Chief Secretary of the Hiranuma Cabinet, Secretary General of the Imperial Rules Assistance Association, and Education Minister in the Suzuki Cabinet.

2. WACHI, Takaji;

(a) The nationality of the witness is Japanese;

(b) The witness is now in Sugamo Prison, Tokyo;

(c) The witness was a Lieutenant General in the Japanese Army and was a member of "Sakura-kai" or the "Cherry Blossom Society". This witness participated in the October Incident

PURL: http://www.legal-tools.org/doc/a6afce/

and is thoroughly familiar with the March Incident.

3. IKEZAKI, Chuko;

(a) The nationality of the witness is Japanese;

(b) The witness is now in Sugamo Prison;

(c) The witness was a member of the Japanese Diet, an official of the Education Ministry and was one of the leading authorities in Japan on Military matters.

It is further ORDERED: That the application of the accused for the issuance of a subpoena for each of the persons named in his request for the production of witnesses is indefinitely continued, awaiting results and disclosures of the interrogations hereinbefore authorized and ordered, and the accused is granted permission to file a supplemental application for the issuance of subpoenas for such witnesses selected from those named in this Order as may be found necessary to his proper defense in this case as a result of said interrogations.

It is further ORDERED: That every facility and assistance be provided to Counsel for the accused HASHIMOTO to examine the files of the Foreign Office of the Japanese Government, at Tokyo, as to the following named documents:

1. The complete file of documents dealing with the "Ladybird Incident;" and

2. The complete file of documents dealing with the "Panay Incident;"

to determine if said documents, or portions thereof, will be necessary and required for the proper defense of the said

PURL: http://www.legal-tools.org/doc/a6afce/

accused HASHIMOTO; and the application of the accused for the production of said documents is continued, awaiting the results and disclosures of said examination; and the accused is granted permission to file a supplemental application for the production of such of the above named documents or portions thereof as may be found necessary to his proper defense in this case, as a result of such examination.

Dated at Tokyo, Japan, this 11 December 1946.

BY THE TRIBUNAL:

/s/ W. F. WEBB
PRESIDENT

PURL: http://www.legal-tools.org/doc/a6afce/

Paper No. 610

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	) ORDER:
	) GRANTING ORAL APPLICATION
- vs -	) OF PROSECUTION TO WITHDRAW
	) ORIGINAL COURT EXHIBIT
ARAKI, Sadao; et al	) 1299 AND SUBSTITUTE THERE-
	) FOR A PHOTOSTATIC REPRO-
	) DUCTION THEREOF.

This matter coming on for hearing by the Tribunal, in Open Court, on 3 December 1946, upon the oral application of the Prosecution for an order of the Tribunal granting leave to the Prosecution to withdraw from the files and records of the Tribunal, Court Exhibit No. 1299; the same being an original copy of the edition of the Yomiuri Newspaper dated 27 October 1940, designated as Prosecution Section document No. 587, and heretofore tendered "for identification only," and marked Court Exhibit 1299, on 3 December 1946; and substitute in the place and stead thereof, with the same force and effect as the said original document, a photostatic reproduction of the entire said edition of said newspaper; and the Court being advised in the premises, it is the decision of a majority of the Justices of the Tribunal, and is

ORDERED: That the said oral application is granted as prayed; and that Prosecution may forthwith withdraw from the files and records of the Tribunal

PURL: http://www.legal-tools.org/doc/f99dc6/

the original document known as Court Exhibit No. 1299, as tendered and identified, and substitute in the place and stead thereof, with the same force and effect as the original, a photostatic reproduction of the entire Exhibit.

Dated at Tokyo, Japan, this 12 December 1946.

BY THE TRIBUNAL:

/sgd/ W. F. WEBB
PRESIDENT

SITTING:

The Honorable Sir William Webb
The Honorable Mr. Justice Northcroft
Lord Patrick
The Honorable Mr. Justice Mei
Major General of Justice I. M. Zaryanov
Major General Myron C. Cramer
The Honorable Mr. Justice McDougall
The Honorable Mr. Justice Bernard
The Honorable Mr. Justice Pal
The Honorable Mr. Justice Roling
The Honorable Mr. Justice Jaranilla

PURL: http://www.legal-tools.org/doc/f99dc6/

Paper No. 611

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al

- vs -

ARAKI, Sadao; et al

ORDER:
GRANTING ORAL APPLICATION OF PROSECUTION TO WITHDRAW ORIGINAL COURT EXHIBIT 1325 AND SUBSTITUTE THERE-FOR A PHOTOSTATIC REPRO-DUCTION THEREOF.

This matter coming on for hearing by the Tribunal, in Open Court, on 4 December 1946, upon the oral application of the Prosecution for an order of the Tribunal granting leave to the Prosecution to withdraw from the files and records of the Tribunal, Court Exhibit No. 1325; the same being the Official Report by the Bureau of East Asiatic Affairs of the Netherlands Indies Government on the Organization of the Japanese Intelligence Service in the Netherlands Indies, dated 27 October 1941, designated as Prosecution Section document No. 2613, and heretofore offered and admitted in evidence on the usual terms, on 4 December 1946; and substitute in the place and stead thereof, with the same force and effect as the said original document, a photostatic reproduction of the entire said report; and the Court being advised in the premises, it is the decision of a majority of the Justices of the Tribunal,

PURL: http://www.legal-tools.org/doc/18f8dd/

and is

ORDERED: That the said oral application is granted as prayed; and that Prosecution may forthwith withdraw from the files and records of the Tribunal the original document known as Court Exhibit No. 1325, as offered and admitted, and substitute in the place and stead thereof, with the same force and effect as the original, a photostatic reproduction of the entire Exhibit.

Dated at Tokyo, Japan, this 12 December 1946.

BY THE TRIBUNAL:

/sgd/ W. F. WEBB
PRESIDENT

SITTING:

The Honorable Sir William Webb
The Honorable Mr. Justice Northcroft
Lord Patrick
The Honorable Mr. Justice Mei
Major General of Justice I. M. Zaryanov
Major General Myron C. Cramer
The Honorable Mr. Justice McDougall
The Honorable Mr. Justice Bernard
The Honorable Mr. Justice Pal
The Honorable Mr. Justice Roling
The Honorable Mr. Justice Jaranilla

PURL: http://www.legal-tools.org/doc/18f8dd/

Paper No. 617
Disposes of
Paper No. 608

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA: et al	ORDER:
	FOR THE PRODUCTION OF A
- vs -	DOCUMENT ON BEHALF OF THE
	ACCUSED SHIRATORI, TOSHIO.
ARAKI, Sadao; et al	

This matter coming on to be heard on this 18th day of December, 1946, before The Honorable Sir William Webb, President of the Tribunal, upon the application of SHIRATORI, Toshio, one of the defendants herein, for the production of a document necessary to the defense of said SHIRATORI, Toshio, in accordance with the provisions of Section III, Article 9, Paragraph (e) of the Charter, the description of the document being fully set forth in said application, which is Paper No. 608; and after hearing the statements and arguments of Counsel for the said SHIRATORI, Toshio, and the Tribunal being fully advised in the premises, it is

ORDERED: That the application of the accused for the production of a document is granted, as prayed; and that the following document, which may be located at the place or in the custody of the agency set forth opposite the description of said document, be procured forthwith and lodged with the Registry of the Tribunal:

PURL: http://www.legal-tools.org/doc/a1e774/

DESCRIPTION	LOCATION
"BERLIN-ROME-TOKYO" (November 1940 edition). "Berlin-Rome-Tokyo" was a magazine published by the German Foreign Office.	Supposedly the German Foreign Office in Berlin; Japan Institute in Berlin; important libraries in Germany, etc.

Dated at Tokyo, Japan, this 23 December 1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb

PRESIDENT

PURL: http://www.legal-tools.org/doc/a1e774/

Paper No. 618
Disposes of
Paper No. 604

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al

- vs -

ARAKI, Sadao; et al

) ORDER: GRANTING
) APPLICATION OF THE
) PROSECUTION FOR FURTHER
) MEDICAL EXAMINATION OF
) OKAWA, SHUMEI.

This matter coming on to be heard on this 18th day of December, 1946, before the Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution for an order directing that the accused OKAWA, Shumei, be further examined as to his present mental and physical condition, by competent medical examiners, and reports be made setting forth the results thereof; and after hearing the arguments of Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application be and is hereby granted, as prayed; and that the accused OKAWA, Shumei, be medically examined by two competent medical psychiatrists, one to be selected by the Prosecution and the other by Counsel of record for the accused OKAWA, Shumei; and that immediately after the examination, each of the said psychiatrists shall respectively file his report with

PURL: http://www.legal-tools.org/doc/61ce95/

the President of the Tribunal.

And it is further ORDERED: That in the event of the psychiatrists selected by the Prosecution desiring to examine the said OKAWA, Shumei, in an American hospital, that the transfer be effected on such terms as the Supreme Commander directs for that purpose.

And it is further ORDERED: That any course of treatment that the said OKAWA, Shumei, is now undergoing may be continued with or under the direction of his present Japanese phsicians while he is in the American hospital, under such terms and conditions as the hospital regulations permit.

Dated at Tokyo, Japan, this 23 December 1946.

BY THE TRIBUNAL:

/s/ W. F. WEBB
PRESIDENT

PURL: http://www.legal-tools.org/doc/61ce95/

Paper No. 619
Disposes of
Paper No. 613, in
respect to Paper
No. 254.

INTERNATIONAL MILITARTY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	ORDER: GRANTING, IN PART, THE APPLICATION OF THE PROSECUTION TO AMEND THAT CERTAIN ORDER OF THE TRIBUNAL NO. 254 DATED 1 JULY 1946, WITH REGARD TO THE PRODUCTION OF CERTAIN DEFENSE WITNESSES
- vs -	
ARAKI, Sadao; et al	

This matter coming on to be heard on this 18th day of December, 1946, before The Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution to amend that certain order of the Tribunal dated 1 July, 1946, and designated as Paper No. 254, wherein the Tribunal directed that a summons be issued for HATA, Hikosaburo, as a witness on behalf of the accused HATA, Shunroku, by recalling and revoking the said summons so ordered to be issued for the proposed witness HATA, Hikosaburo, and in lieu and stead thereof, granting to the said accused and his Counsel of record every facility and assistance to submit interrogatories to, or otherwise interrogate, the said witness at the place where the said person is now located and held; and after hearing the statements and arguments of Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That the said application for the recall and revocation of the summons heretofore ordered

PURL: http://www.legal-tools.org/doc/e20df3/

to be issued for HATA, Hikosaburo, as a witness for and on behalf of the accused HATA, Shunroku, be denied; and it is further

ORDERED: That the said order of the Tribunal heretofore made, signed and entered on the 1st day of July, 1946, be amended by adding two new and additional paragraphs to said order, to read as follows:

"It is further ORDERED: That execution and service of the summons for the proposed witness HATA, Hikosaburo, be postponed, and that said summons be held by the Secretary of the Tribunal, subject to further order and direction of the Tribunal; and it is further

"ORDERED: That pending further direction of the Tribunal relative to the service of said summons for the proposed witness HATA, Hikosaburo, every facility and assistance be provided to Counsel for the accused HATA, Shunroku, to submit written interrogatories to, or verbally interrogate, the said HATA, Hikosaburo, at the place where said person is now located or held, and the accused is granted permission to file an application for the service of the summons heretofore issued for the said witness, if the same be found necessary for the proper defense of the accused in this case, as the result of the afore-said interrogations."

And it is further ORDERED: That in each and all other respects, the said order of the Tribunal of

PURL: http://www.legal-tools.org/doc/e20df3/

1 July 1946, shall be and remain as originally made, signed and entered, and in full force and effect.

Dated at Tokyo, Japan, this 23 December 1946.

BY THE TRIBUNAL:

/s/ W.F. WEBB
PRESIDENT

PURL: http://www.legal-tools.org/doc/e20df3/

Paper No. 620
Disposes of
Paper No. 613, in
respect to Paper No. 296

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA: et al	ORDER: GRANTING, IN PART, THE APPLICATION OF THE PROSECUTION TO AMEND THAT CERTAIN ORDER OF THE TRIBUNAL NO. 296 DATED 16 JULY, 1946, WITH REGARD TO THE PRODUCTION OF CERTAIN DEFENSE WITNESSES
- vs -	
ARAKI, Sadao; et al	

This matter coming on to be heard on this 18th day of December, 1946, before The Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution to amend that certain order of the Tribunal dated 16 July, 1946, and designated as Paper No. 296, wherein the Tribunal directed that summonses be issued for HATA, Hikosaburo, IIDA, Shojiro, and MATSUMURA, Tomokatsu, as witnesses on behalf of the accused UMEZU, Yoshijiro, by recalling and revoking the said summonses so ordered to be issued for the proposed witnesses HATA, Hikosaburo, IIDA, Shojiro, and MATSUMURA, Tomokatsu, and in lieu and stead thereof, granting to the said accused and his Counsel of record every facility and assistance to submit written interrogatories to, or otherwise interrogate, the said witnesses at the places where the said persons are now located and held; and after hearing the statements and arguments of Counsel, and the Tribunal being fully advised in the premises, it is

PURL: http://www.legal-tools.org/doc/b33668/

ORDERED: That the said application for the recall and revocation of the summonses heretofore ordered to be issued for HATA, Hikosaburo, IIDA, Shojiro, and MATSUMURA, Tomokatsu, as witnesses for and on behalf of the accused UMEZU, Yoshijiro, be denied; and it is further

ORDERED: That the said order of the Tribunal heretofore made, signed and entered on the 16th day of July, 1946, be amended by adding two new and additional paragraphs to said order, to read as follows:

"It is further ORDERED: That execution and service of the summonses for the proposed witnesses HATA, Hikosaburo, IIDA, Shojiro, and MATSUMURA, Tomokatsu, be postponed, and that said summonses be held by the Secretary of the Tribunal, subject to further order and direction of the Tribunal; and it is further

"ORDERED: That pending further direction of the Tribunal relative to the service of said summonses for the proposed witnesses HATA, Hikosaburo, IIDA, Shojiro, and MATSUMURA, Tomokatsu, every facility and assistance be provided to Counsel for the accused UMEZU, Yoshijiro, to submit written interrogatories to, or verbally interrogate, the said HATA, Hikosaburo, IIDA, Shojiro, and MATSUMURA, Tomokatsu, at the places where said persons are now located or held, and the accused is granted permission to file an application for the service of the summonses heretofore issued for the said witnesses, if the same be found necessary for the proper defense of the accused in this case, as the result of the aforesaid interrogations."

PURL: http://www.legal-tools.org/doc/b33668/

And it is further ORDERED: That in each and all other respects, the said order of the Tribunal of 16 July, 1946, shall be and remain as originally made, signed and entered, and in full force and effect.

Dated at Tokyo, Japan, this 23 December, 1946.

BY THE TRIBUNAL:

Signed: W. F. WEBB
PRESIDENT

PURL: http://www.legal-tools.org/doc/b33668/

Paper No. 621
Disposes of
Paper No. 613, in
respect to Paper
No. 435.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	ORDER: GRANTING, IN PART, THE APPLICATION OF THE PROSECUTION TO AMEND THAT CERTAIN ORDER OF THE TRIBUNAL NO. 435 DATED 16 SEPTEMBER, 1946, WITH REGARD TO THE PRODUCTION OF CERTAIN DEFENSE WITNESSES.
- vs -	
ARAKI, Sadao; et al	

This matter coming on to be heard on this 18th day of December, 1946, before The Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution to amend that certain order of the Tribunal dated 16 September, 1946, and designated as Paper No. 435, wherein the Tribunal directed that summonses be issued for Lt. Gen. HASHIMOTO, Toranosuke, Gen. YAMADA, Otozo, Lt. Gen. YOSHIOKA, Yasunao, FURUMI, Tadaijuki (also known as Tadayuki), and TAKEBE, Rokuzo, as witnesses on behalf of the accused UMEZU, Yoshijiro, by recalling and revoking the said summonses so ordered to be issued for the proposed witnesses Lt. Gen. HASHIMOTO, Toranosuke, Gen. YAMADA, Otozo, Lt. Gen. YOSHIOKA, Yasunao, FURUMI, Tadaijuki (also known as Tadayuki), and TAKEBE, Rokuzo, and in lieu and stead thereof, granting to the said accused and his Counsel of record every facility and assistance to submit interrogatories to, or otherwise interrogate, the said witnesses at the places where the said persons are now located

PURL: http://www.legal-tools.org/doc/92c9b9/

and held; and after hearing the statements and arguments of Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That the said application for the recall and revocation of the summonses heretofore ordered to be issued for Lt. Gen. HASHIMOTO, Toranosuke, Gen. YAMADA, Otozo, Lt. Gen. YOSHIOKA, Yasunao, FURUMI, Tadaijuki (also known as Tadayuki), and TAKEBE, Rokuzo, as witnesses for and on behalf of the accused UMEZU, Yoshijiro, be denied; and it is further

ORDERED: That the said order of the Tribunal heretofore made, signed and entered on the 16th day of September, 1946, be amended by adding two new and additional paragraphs to said order, to read as follows:

"It is further ORDERED: That execution and service of the summonses for the proposed witnesses Lt. Gen. HASHIMOTO, Toranosuke, Gen. YAMADA, Otozo, Lt. Gen. YOSHIOKA, Yasunao, FURUMI, Tadaijuki (also known as Tadayuki), and TAKEBE, Rokuzo, be postponed, and that said summonses be held by the Secretary of the Tribunal, subject to further order and direction of the Tribunal; and it is further

"ORDERED: That pending further direction of the Tribunal relative to the service of said summonses for the proposed witnesses Lt. Gen. HASHIMOTO Toranosuke, Gen. YAMADA, Otozo, Lt. Gen. YOSHIOKA, Yasunao, FURUMI, Tadaijuki (also known as Tadayuki), and TAKEBE, Rokuzo, every facility and assistance be provided to Counsel for the accused UMEZU, Yoshijiro, to submit written interrogatories to, or verbally interrogate, the said Lt. Gen. HASHIMOTO, Toranosuke, Gen. YAMADA, Otozo, Lt. Gen.

PURL: http://www.legal-tools.org/doc/92c9b9/

YOSHIOKA, Yasunao, FURUMI, Tadaijuki (also known as Tadayuki), and TAKEBE, Rokuzo, at the places where said persons are now located or held, and the accused is granted permission to file an application for the service of the summonses heretofore issued for the said witnesses, if the same be found necessary for the proper defense of the accused in this case, as the result of the afore-said interrogations."

And it is further ORDERED: That in each and all other respects, the said order of the Tribunal of 16 September, 1946, shall be and remain as originally made, signed and entered, and in full force and effect.

Dated at Tokyo, Japan, this 23 December, 1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/92c9b9/

Paper No. 622
Disposes of
Oral application in respect
to Papers Nos. 580 and 599.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al

- vs -

ARAKI, Sadao; et al

) ORDER:
) GRANTING APPLICATIONS FOR
) ISSUANCE OF SUMMONSES FOR
) THE PRODUCTION OF EUGEN
) OTT AS A WITNESS ON
) BEHALF OF THE ACCUSED
) OSHIMA, HIROSHI, AND THE
) ACCUSED SHIRATORI, TOSHIO

This matter coming on to be heard on this 10th day of December, 1946, before the Honorable Sir William Webb, President of the Tribunal, upon the oral applications of the accused OSHIMA, Hiroshi, and the accused SHIRATORI, Toshio, by their respective Counsel of record, and under and pursuant to that certain order of the Tribunal dated the 5th day of December, 1946, and that certain order of the Tribunal dated the 26th day of November, 1946, wherein it was respectively granted that the said accused OSHIMA, Hiroshi, and SHIRATORI, Toshio, and their Counsel of record, should have every facility and assistance to submit written interrogatories to, or to verbally interrogate, Eugen Ott, at the place where he might now be located or held, and further respectively granting permission to apply for the issuance of a subpoena for such witness if it be found necessary to the proper defense of said accused; and the said accused, each for himself, respectively representing to

PURL: http://www.legal-tools.org/doc/d33df2/

the Tribunal that the said Eugen Ott is a necessary witness for and on behalf of the proper defense of himself; and each, for himself, orally applying for the issuance of a summons for the production of the said Eugen Ott as a witness for and on his behalf; and the Tribunal hearing the statements and arguments of Counsel, and being fully advised in the premises, it is

ORDERED: That each of the said applications be granted, as prayed; and that a summons, in each instance, be issued, by the General Secretary of the Tribunal, commanding the said Eugen Ott, whose present address is Peking, China, to attend and testify before said Tribunal as a witness for and on behalf of the accused OSHIMA, Hiroshi, and the accused SHIRATORI, Toshio, respectively, at a time indicated to the General Secretary of the Tribunal, by the respective Counsel of record for each of the said accused, as a proper date when the witness will be actually required.

Dated at Tokyo, Japan, this 23 December, 1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb

PRESIDENT

PURL: http://www.legal-tools.org/doc/d33df2/

Paper No. 624
Disposes of
Paper No. 615

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	) ORDER:
	) GRANTING APPLICATION OF PROSE-
- vs -	) CUTION THAT THE TRIBUNAL TAKE
	) JUDICIAL NOTICE OF GERMAN
ARAKI, Sadao; et al	) OCCUPATION OF AUSTRIA AND OF
	CZECHOSLAVAKIA.

This matter coming on to be heard this 26th day of December, 1946, before The Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution for an order that the Tribunal take judicial notice of the following events:

1. That on March 11, 1938, Germany occupied Austria and on March 13, 1938, Austria was incorporated into the German Reich; and
2. That on March 15th, 1939, German troops occupied Czechoslavakia and on March 16th established a Protectorate over Bohemia and Moravia;

and after hearing the arguments of Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application be and is hereby granted, as prayed; and the Tribunal hereby takes judicial notice of the following events:

1. That on March 11, 1938, Germany occupied Austria and on March 13, 1938, Austria was incorporated into the German Reich; and

PURL: http://www.legal-tools.org/doc/daa5cb/

2. That on March 15th, 1939, German troops occupied Czechoslavakia and on March 16th established a Protectorate over Bohemia and Moravia.

Dated at Tokyo, Japan, this 26 December, 1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/daa5cb/

Paper No. 625
Disposes Defense
Application in re:
Dismissal.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	ORDER:
	GRANTING APPLICATION
- vs -	OF THE ACCUSED FOR
	LEAVE TO APPLY FOR
ARAKI, Sadao; et al	DISMISSAL OF THE CASE.

This matter coming on for further hearing by the Tribunal, in Open Court, on the 24th day of December, 1946, upon the oral application of the Prosecution heretofore made in Chambers, for an Order of the Tribunal granting to the Accused leave to apply to dismiss the indictment or certain counts therein as against the respective Accused at the end of the Prosecution's case in chief, and for leave to present to the Tribunal a consolidated application to dismiss the case on behalf of all the Accused, and present individual motions to dismiss on behalf of each of the Accused respectively; and the Tribunal hearing the arguments of Counsel, and being fully advised in the premises, it is the decision of a majority of the Justices of the Tribunal, and is

ORDERED: That at the close of the case in chief for the Prosecution the Tribunal will be prepared to entertain any motion the Defense may care to make to dismiss the case on some or all of the counts on the ground that there is not sufficient evidence to warrant a conviction; and it is further

PURL: http://www.legal-tools.org/doc/de465b/

ORDERED: That there may be one general motion on behalf of all of the Accused, and in addition thereto there may be one specific motion for each of the individual Accused; and it is further

ORDERED: That the Accused will reduce to writing their motions and arguments in each instance and serve copies thereof upon the Prosecution, and the Prosecution shall do likewise as to their arguments if they choose to oppose the motions, so that in each case there may be simultaneous translations.

Dated at Tokyo, Japan, this 27 December 1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb
PRESIDENT

SITTING:

The Honorable Sir William Webb
The Honorable Mr. Justice Northcroft
Lord Patrick
The Honorable Mr. Justice Mei
Major General of Justice I. M. Zaryanov
Major General Myron C. Cramer
The Honorable Mr. Justice McDougall
The Honorable Mr. Justice Bernard
The Honorable Mr. Justice Pal
The Honorable Mr. Justice Roling

PURL: http://www.legal-tools.org/doc/de465b/

Paper No. 626
Disposes of
Oral Motion

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	ORDER:
	IN RE: ORAL APPLICATION
- vs -	OF THE ACCUSED TOJO AND
	OTHERS TO PRODUCE A WITNESS
ARAKI, Sadao; et al	FOR CROSS EXAMINATION.

This matter coming on for hearing by the Tribunal, in Open Court, on the 5th day of December, 1946, upon the oral application of the accused TOJO, Hideki, by his Counsel of record, for himself and on behalf of those other accused similarly situated, for an order of the Tribunal summoning Joseph Theodoor Van Amstel to appear as a witness in this case before the Tribunal for the purpose of cross examination by the accused TOJO, Hideki, and by other accused similarly situated, or their respective Counsel of record; and it appearing to the Tribunal that on the 5th of December, 1946, certain testimony of the said Joseph Theodoor Van Amstel was introduced into evidence in this case by the Prosecution in the form of a sworn statement made and executed by the said Van Amstel, and dated 10th April, 1946, which sworn statement is identified as Prosecution document No. 2620A, and Court Exhibit No. 1341; and the Tribunal hearing the arguments of Counsel, and being fully advised in the premises; it is the decision of a majority of the Justices of the Tribunal, and

ORDERED: That said oral application for the issuance of a summons to produce before the Tribunal

PURL: http://www.legal-tools.org/doc/6044dc/

Joseph Theodoor Van Amstel for cross examination, is denied; and it is further

ORDERED: That every facility and assistance be provided to Counsel for the accused TOJO, and other accused in like circumstance, to submit written interrogatories to, or verbally interrogate, the said Joseph Theodoor Van Amstel at the place where he may now reside or be located in the Netherlands East Indies; and it is further

ORDERED: That said oral application of the accused TOJO, and others in like circumstance, for the issuance of a summons for the production of the said witness Joseph Theodoor Van Amstel for cross examination, be indefinitely continued, awaiting the results and disclosures of the interrogations hereinbefore authorized and ordered, and the accused are granted permission to renew their application for the issuance of a summons for such witness if it be found necessary to their proper defense in this case, as a result of said interrogations.

Dated at Tokyo, Japan, this 27 December, 1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb
PRESIDENT

SITTING:

The Honorable Sir William Webb
The Honorable Mr. Justice Northcroft
Lord Patrick
The Honorable Mr. Justice Mei
Major General of Justice I. M. Zaryanov
Major General Myron C. Cramer
The Honorable Mr. Justice McDougall
The Honorable Mr. Justice Bernard
The Honorable Mr. Justice Pal
The Honorable Mr. Justice Roling
The Honorable Mr. Justice Jaranilla

PURL: http://www.legal-tools.org/doc/6044dc/

Paper No. 629
Disposes of
Motions for Recess

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	) ORDER: GRANTING
	) APPLICATION OF THE
- vs -	) ACCUSED FOR A RECESS AT
	) THE CLOSE OF PROSECU-
ARAKI, Sadao; et al	) TION'S CASE IN CHIEF.

This matter coming on for further hearing by the Tribunal, in Open Court, on this 30th day of December 1946, upon the oral application of all the Accused, by their Counsel of record, for an order of the Tribunal to adjourn the sitting of the Tribunal and the holding of Court for such a period of time as the Tribunal might designate, at the close of the presentation of the case in chief of the Prosecution, for the purpose of allowing time within which the Accused might prepare their defense; and the Tribunal hearing the arguments of Counsel, and being fully advised in the premises, it is the decision of a majority of the Justices of the Tribunal, and

ORDERED: That the Tribunal will adjourn for a period of two weeks, beginning at the close of the Prosecution's case in chief.

Dated at Tokyo, Japan, this 31 December 1946.

BY THE TRIBUNAL:

/s/ W.F. WEBB
PRESIDENT

PURL: http://www.legal-tools.org/doc/d53b56/

SITTING:

The Honorable Sir William Webb
The Honorable Mr. Justice Northcroft
Lord Patrick
Major General of Justice I. M. Zaryanov
Major General Myron C. Cramer
The Honorable Mr. Justice McDougall
The Honorable Mr. Justice Bernard
The Honorable Mr. Justice Pal
The Honorable Mr. Justice Roling

NOT SITTING:

The Honorable Mr. Justice Mei
The Honorable Mr. Justice Jaranilla

PURL: http://www.legal-tools.org/doc/d53b56/

Paper No. 630
Disposes of
Paper No. 623

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al
- vs -
ARAKI, Sadao; et al

) ORDER: GRANTING APPLICATION OF THE PROSECUTION FOR LEAVE TO PRESENT FRENCH PHASE OF CLASS B AND C OFFENSES IN THE FRENCH LANGUAGE.

This matter coming on to be heard on this 30th day of December, 1946, before the Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution for an order granting leave to the Prosecution to present in the French language that phase of the case on behalf of France with respect to Class B and C offenses; and after hearing the statements and arguments of Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That the said application to present in the French language the case of the Prosecution on behalf of France with respect to Class B and C offenses be granted, under the same terms and conditions as heretofore established in the previous presentation of the French phase of the case, and it is further

ORDERED: That the synopses may be read in French, providing there is a simultaneous translation in English and Japanese, so that no time may be lost.

Dated at Tokyo, Japan, this 31 December 1946.
BY THE TRIBUNAL:

/s/ W. F. WEBB
PRESIDENT

PURL: http://www.legal-tools.org/doc/ca1a08/

Paper No. 633
Disposes of
Oral Motion in Open Court.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al
- vs -
ARAKI, Sadao; et al

ORDER:
DISCHARGING NAGANO,
OSAMI, FROM THE
INDICTMENT.

This matter coming on to be heard by the Tribunal, in Open Court, on the 6th day of January, 1947, upon the oral application of the Defense, and particularly of Counsel of record for the accused NAGANO, Osami, for an order of the Tribunal discharging the said accused NAGANO, Osami, from the Indictment by reason of his death on the 5th day of January, 1947, at 1150 hours, in the City of Tokyo, Japan, and

It appearing to the Tribunal from the application of Counsel and from the records and files in this cause that NAGANO, Osami, one of the accused herein, was confined for medical treatment at Sugamo Prison the 3rd day of January, 1947, and that thereafter and on to wit: The 5th day of January, 1947, the said NAGANO, Osami, died at the 361st Station Hospital, in the City of Tokyo, Japan, at the hour of 1150 a.m., and the cause of his death was (1) Bronchopneumonia, (2) Arteriosclerotic Heart Disease, (3) Tuberculosis, pulmonary, and that on the same date the remains of the said NAGANO, Osami,

PURL: http://www.legal-tools.org/doc/4266ba/

were officially identified by the Officer of the Day of Sugamo Prison, and that a certificate of illness, a certificate of death, and a certificate of identification, have been placed on file herein and made a part of these records; and

It is the decision of a majority of the Justices of the Tribunal, and is

ORDERED: That the Indictment against the accused NAGANO, Osami, is discharged, his name is stricken from the Indictment and from the list of the accused, and it is further

ORDERED: That the remains of the said NAGANO, Osami, may be turned over to his family, subject to the approval and any requirements of the Supreme Commander.

Dated at Tokyo, Japan, this 6 January, 1947.

BY THE TRIBUNAL:

(Signed) W. F. Webb
PRESIDENT

SITTING:

The Honorable Sir William Webb
The Honorable Mr. Justice Northcroft
Lord Patrick
Major General of Justice I. M. Zaryanov
Major General Myron C. Cramer
The Honorable Mr. Justice McDougall
The Honorable Mr. Justice Bernard
The Honorable Mr. Justice Pal
The Honorable Mr. Justice Roling

NOT SITTING:

The Honorable Mr. Justice Mei
The Honorable Mr. Justice Jaranilla

PURL: http://www.legal-tools.org/doc/4266ba/

Paper No. 637
Disposes of
Paper No. 628

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al

- vs -

ARAKI, Sadao; et al

ORDER:
GRANTING APPLICATION OF
PROSECUTION FOR EXEMPTION
FROM RULE 6 (B) (1) WITH
RESPECT TO PROSECUTION
DOCUMENTS NOS. 8466,
8467, 8471 and 8478.

This matter coming on to be heard this 27 December, 1946, before The Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution for an order of exemption from the provisions of Rule 6 (b) (1) of the Rules of Procedure of the International Military Tribunal for the Far East, with respect to International Prosecution Section documents Nos. 8466, 8467, 8471, and 8478, portions of which the Prosecution intend to be adduced in evidence, so as to permit the Prosecution to serve upon the accused or their Counsel, copies of excerpts, only, from said documents, in both the Japanese and the English language, in the place and stead of the entire original documents; and after hearing the arguments of Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application be and is hereby granted, as prayed.

Dated at Tokyo, Japan, this 6 January, 1947.

BY THE TRIBUNAL:

(Signed) W. F. WEBB
PRESIDENT

PURL: http://www.legal-tools.org/doc/6e3969/

Paper No. 638
Disposes of
Oral Application in Open Court.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al)
)
- vs -)
)
ARAKI, Sadao; et al)

ORDER:
IN RE: ORAL APPLICATION
OF THE DEFENSE TO PRODUCE
OGIYA, YORIO, AS A WITNESS
FOR CROSS EXAMINATION.

This matter coming on to be heard by the Tribunal, in Open Court, on the 3rd day of January, 1947, upon the oral application of the accused TOJO, Hideki, by his Counsel of record, for himself and on behalf of those other accused similarly situated, for an order of the Tribunal to summon OGIYA, Yorio, to appear before the Tribunal in Open Court as a witness in this case for the purpose of cross examination by the accused TOJO, Hideki, and by other accused similarly situated, or their respective Counsel of record; and it appearing to the Tribunal that on the 3rd day of December, 1946, certain testimony of the said OGIYA, Yorio, was introduced into evidence in this case and made a part of the record by the Prosecution in the form of a sworn affidavit made and executed by the said OGIYA, Yorio, and dated the 8th day of February, 1946, which sworn affidavit is identified as Prosecution document No. 8223-A, and Court Exhibit No. 1925-A; and the Tribunal hearing the arguments of Counsel, and being fully advised in the premises; it is the decision of a majority of the Justices of the Tribunal, and

PURL: http://www.legal-tools.org/doc/7b8b5e/

ORDERED: That said oral application for the issuance of a summons to produce before the Tribunal OGIYA, Yorio, be granted; and it is further

ORDERED: That a summons be issued forthwith, by the General Secretary of the Tribunal, commanding said OGIYA, Yorio, to attend and testify under cross examination by the accused TOJO, Hideki, and other accused in like circumstances, before said Tribunal.

Dated at Tokyo, Japan, this 6 January, 1947.

BY THE TRIBUNAL:

(Signed) W. F. Webb
PRESIDENT

SITTING:

The Honorable Sir William Webb
The Honorable Mr. Justice Northcroft
Lord Patrick
Major General of Justice I. M. Zaryanov
Major General Myron C. Cramer
The Honorable Mr. Justice McDougall
The Honorable Mr. Justice Bernard
The Honorable Mr. Justice Pal

NOT SITTING:

The Honorable Mr. Justice Roling
The Honorable Mr. Justice Mei
The Honorable Mr. Justice Jaranilla

PURL: http://www.legal-tools.org/doc/7b8b5e/

Paper No. 642
Disposes of
Paper No. 559, in part
only.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al - vs - ARAKI, Sadao; et al	ORDER: THAT FACILITIES TO INTERVIEW OR INTERROGATE CERTAIN WITNESSES REQUESTED BY THE ACCUSED SHIMADA BE PROVIDED; AND FOR THE ISSUANCE OF 6 SUMMONSES; AND FOR THE PRODUCTION OF DOCUMENTS.

This matter coming on to be heard on this 22nd day of November, 1946, before The Honorable Sir William Webb, the President of the Tribunal, upon the application of SHIMADA, Shigetaro, one of the defendants herein, for the production of certain witnesses and documents necessary to the defense of said SHIMADA, Shigetaro, in accordance with the provisions of Section 3, Article 9, paragraph (e) of the Charter, the names of said witnesses and the descriptions of the documents being set forth in said application, which is Paper No. 559; and after hearing the statements and arguments of Counsel for the said SHIMADA, Shigetaro, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application as to each of the following named persons be granted, as prayed:

1. OIKAWA, Koshiro;

(a) The nationality of the witness is Japanese; his address is 2, 132 Kaminoge Machi, Tamagawa, Setagayaku, Tokyo;

PURL: http://www.legal-tools.org/doc/3d80e8

(b) He was former Navy Minister preceding the accused SHIMADA.

2. YOSHIDA, Zengo;

(a) The nationality of the witness is Japanese; his address is 114 Kakinokizaka, Meguroku, Tokyo;

(b) He was former Navy Minister and Admiral in the Japanese Navy.

3. SAWAMOTO, Yoshio;

(a) The nationality of the witness is Japanese; his address is 110 Kakinokizaka, Meguroku, Tokyo.

4. NOMURA, Kichisaburo;

(a) The nationality of the witness is Japanese; his address is c/o Hamada, 127 3 Chome, Den in Chofu, Setagayaku, Tokyo;

(b) He was Ambassador to the United States at time of the attack on Pearl Harbor.

5. KANEKO, Kiyota;

(a) The nationality of the witness is Japanese; his address is 387 6 Chome, Kitashinagawa, Shinagawaku, Tokyo.

6. SHIZEKI (or SHISEKI), Ihei;

(a) The nationality of the witness is Japanese; his address is 47 Takanawa Minamicho, Shibaku, Tokyo.

and that a summons be issued, by the General Secretary of the Tribunal, commanding each of said persons, to-wit: OIKAWA, Koshir YOSHIDA, Zengo, SAWAMOTO, Yoshio, NOMURA, Kichisaburo, KANEKO, Kiyota, and SHIZEKI (or SHISEKI), Ihei, to attend and testify

PURL: http://www.legal-tools.org/doc/3d80c8/

before said Tribunal as a witness for the accused SHIMADA, Shigetaro, at a time indicated to the General Secretary of the Tribunal, by Counsel of record for the said accused, as a probable date when the witness will be actually required.

It is further ORDERED: That every facility and assistance be provided to Counsel for the accused SHIMADA, Shigetaro, to submit written interrogatories to or verbally interrogate each of the following named persons at the place where said person is now located and may be found or held:

1. FUKUTOME, Shigeru;

   (a) The nationality of the witness is Japanese;

   (b) He was a Vice Admiral in the Japanese Navy and at present is in Singapore, although it is believed that he is not confined as a prisoner of war.

2. ONODA, Sutejiro;

   (a) The nationality of the witness is Japanese;

   (b) He was a Naval captain and assistant to the above-named FUKUTOME. He is believed to be in Singapore at the present time although not a prisoner of war.

3. OKOCHI, Denshichi;

   (a) The nationality of the witness is Japanese;

   (b) He was a Vice Admiral in the Japanese Navy and is at present in Manila, believed to be a prisoner of war.

4. TOYODA, Soemu;

   (a) The nationality of the witness is Japanese; he is at present confined in Sugamo Prison;

PURL: http://www.legal-tools.org/doc/3d80c8/

(b) He was an Admiral in the Japanese Navy and was in attendance at negotiations pertaining to the London Naval Conference.

5. Captain H. H. SMITH-HUTTON;

(a) The nationality of the witness is American; he is at present in command of the USS LITTLE ROCK (CL92), c/o Postmaster, New York;

(b) He was former Naval Attache, American Embassy, Tokyo, Japan, and was well acquainted with the accused.

It is further ORDERED: That the application of the accused for the issuance of a subpoena for each of the persons named in his request for the production of witnesses is indefinitely continued, awaiting results and disclosures of the interrogations hereinbefore authorized and ordered, and the accused is granted permission to file a supplemental application for the issuance of subpoenas for such witnesses selected from those named in this Order as may be found necessary to his proper defense in this case as a result of said interrogations.

It is further ORDERED: That the application of the accused for the production of the following named documents is granted; and that said documents, the location of which is set forth in the description of the documents, be procured forthwith and lodged with the Registry of the Tribunal:

The following tables compiled by the United States Navy Department:

1. Separate tables, each of which showing the number and displacement tonnage of each kind of warship (a) completed and (b) still in the progress of being built on 7 December 1941, together with those that show those figures at the end of every year beginning from 1931 to 1945;

PURL: http://www.legal-tools.org/doc/3d80c8/

2. List of battleships, airplane carriers and A and B classes of cruisers in the period mentioned;

3. List of Navy personnel for the same period, including reserves;

4. Tables showing construction plan of warships and Navy airplanes for same period;

5. Records of the United States Senate, as well as those of Committees of Foreign Affairs and Navy from April 1930 to 1945, located in the files of the United States Senate;

6. Records of the meetings of the United States Naval Committee of the Senate, dating from 1940, located in the files of the United States Senate;

7. All diplomatic documents and telegrams between the United States of America and England, dating from April 1941 to January 1, 1942, located in the United States Department of State and also in the British Foreign Ministry;

8. All official documents pertaining to the Yalta, Quebec, and Pacific Conferences, located in the United States Department of State and also in the British Foreign Ministry.

9. United States documents pertaining to the Japanese-American Conference, located in the United States Department of State;

10. "The Conduct of the Sea Campaign", (Yarnel, Pye, Frost, 1920), located in the United States Navy Department;

11. "Woodrow Wilson, the World Settlement", published in the United States of America in 1928;

12. "Life", an American magazine published on 24 October 1945;

13. "Jane's Fighting Ships", 1941, 1942, published by Sampson, Low, Marston & Co., Ltd., London.

Dated at Tokyo, Japan, this 8 January, 1947.

BY THE TRIBUNAL:

(Signed) W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/3d80c8/

Paper No. 644
Disposes of
Defense Oral Motion

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al)
- vs -)
ARAKI, Sadao; et al)

ORDER:
GRANTING APPLICATION OF
DEFENSE FOR WAIVER OF
RULE 6(B)(1) ON CONDITIONS.

This matter coming on to be heard this 8th day of January, 1947, before The Honorable Sir William Webb, President of the Tribunal, upon the oral application of the Defense for an order waiving the provisions of Rule 6(b)(1) of the Rules of Procedure of the International Military Tribunal for the Far East, with respect to documents to be adduced in evidence by the Defense,

And it appearing that the Prosecution and the Defense have agreed as to the disposition of this matter as hereinafter set forth,

And the Tribunal being fully advised in the premises, it is

ORDERED: That the provisions of Rule 6(b)(1) of the International Military Tribunal for the Far East insofar as they apply to documents which the Defense does not desire to reproduce in full in the original language, be and the same are hereby waived upon condition that seven (7) days prior to the time the said documents shall be offered in evidence before the Tribunal, the said

PURL: http://www.legal-tools.org/doc/7c5dd9/

originals, together with a designation of the parts intended to be used, shall be deposited with the Clerk of this Tribunal, and a copy of the translation of the designated portions to be used shall be served upon the Prosecution.

It is further ORDERED: That the Prosecution, in the event it desires additional portions of the said documents to be translated and reproduced, may make application to the Tribunal for an order directing such translation and reproduction by the Defense.

It is further ORDERED: That except as herein specifically provided, all other provisions of said Rule 6(b)(1) shall remain in full force and effect.

Dated at Tokyo, Japan, this 8 January, 1947.

BY THE TRIBUNAL

(Signed) W. F. Webb
PRESIDENT

PURL: http://www.legal-tool...oc/7c5dd9/

Paper No. 662
Disposes of
Paper No. 643

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al
- vs -
ARAKI, Sadao; et al

ORDER:
GRANTING WITHDRAWAL FROM THE FILES OF THE TRIBUNAL COURT EXHIBIT NOS. 1765-A, B, C, AND D.

This matter coming on to be heard on this 10th day of January, 1947, before The Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution for leave to withdraw from the files of the Tribunal the original Court Exhibit heretofore introduced in evidence by the Prosecution on the 26th day of December, 1946, and identified as Court Exhibit Nos. 1765-A, 1765-B, 1765-C, and 1765-D, the same being four reels of moving picture film introduced under the consolidated Exhibit No. 1765, with each canister containing a single reel of film bearing the additional identifying letter from A through D respectively, and known by the title "Nippon Presents", to the end that these four reels of film comprising said original Court Exhibit may be returned forthwith to the Netherlands Indies Government Information Service at Batavia, from whom they were secured; and, it appearing to the Tribunal that the Netherlands Indies Government Information Service at Batavia desires to withdraw these four reels of film entitled "Nippon Presents" from the files of the Tribunal; and, that withdrawal of these reels

PURL: http://www.legal-tools.org/doc/84c30d/

of film, as requested, will in no wise prejudice the rights of the accused or any of them, and no substantial injustice will result thereby to said accused; and that the proper custodian of the Netherlands Indies Government Information Service at Batavia is prepared to return the four reels of film to Tokyo, Japan, in case either the Tribunal or the Defense might ask for them, and that these films will be carefully kept in the state in which they are at the present moment; and, after hearing the arguments of Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application be and is hereby granted as prayed; and it is further

ORDERED: That Court Exhibit No. 1765-A, 1765-B, 1765-C, and 1765-D, to-wit: Four reels of moving picture film entitled "Nippon Presents", be withdrawn from the files of the Tribunal and returned to the Netherlands Indies Government Information Service at Batavia.

Dated at Tokyo, Japan, this 14 January, 1947.

BY THE TRIBUNAL:

(Signed) V. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/84c30d/

Paper No. 663
Disposes of
Paper No. 640 regarding Paper No. 596

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al
- vs -
ARAKI, Sadao; et al

ORDER:
AMENDING PAPER NO. 596 by
CORRECTING SPELLING OF THE
NAMES OF TWO WITNESSES

This matter coming on to be heard on this 10th day of January, 1947, before the Honorable Sir William Webb, President of the Tribunal, upon the application of SATO, Kenryo, one of the defendants herein, to amend and correct that certain order of the Tribunal dated 4 December 1946, and identified as Court Paper No. 596, for the production of witnesses and documents in accordance with the provisions of Section III, Article 9, Paragraph (e) of the Charter, by changing the spelling of the name of the person appearing as Item No. 1 on Page 1 of said order from "NISHIMURA," as it now appears, to read NISHIURA," as it should appear; and by changing the spelling of the name of the person appearing as Item No. 4 on Page 2 of said order from "NOBUTAKA," as it now appears, to read "NOBUYUKI," as it should appear; and after hearing the arguments of Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application be and is hereby granted, as prayed; and it is further

PURL: http://www.legal-tools.org/doc/5cbaa3/

ORDERED: That said order of the Tribunal dated 4 December, 1946, shall be and remain, except in the instances herein authorized, in full force and effect as orginally made and entered.

Dated at Tokyo, Japan, this 14 January, 1947.

BY THE TRIBUNAL:

(Signed) W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/5cbaa3/

Paper No. 676
Disposes of
Paper No. 631

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	ORDER:
- vs -	GRANTING APPLICATION OF PROSECUTION FOR EXEMPTION FROM RULE 6(B)(1) WITH RESPECT TO PROSECUTION DOCUMENTS NOS. 687, 684 ET AL
ARAKI, Sadao; et al	

This matter coming on to be heard this 10th January, 1947, before The Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution for an order of exemption from the provisions of Rule 6(b)(1) of the Rules of Procedure of the International Military Tribunal for the Far East, with respect to International Prosecution Section documents Nos. 687, 684, 692, 693, and 685, portions or excerpts from which the Prosecution intend to be adduced in evidence, as set forth in Schedule "A" attached to said application and by reference made a part thereof, so as to permit the Prosecution to serve upon the accused or their Counsel, copies of excerpts, only, from said documents, in both the Japanese and the English language, in the place and stead of the entire original document; and after hearing the arguments of Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application be and is hereby granted, as prayed; and it is further

No letter of transmittal ever received in this office from CAD for these papers (676 & 677)

PURL: http://www.legal-tools.org/doc/7ea246/

ORDERED: That the Prosecution shall also prepare and furnish Counsel for the accused, copies of such additional parts or sections, in both the Japanese and the English language, from the aforementioned documents enumerated as follows:

1. From Prosecution Section document No. 684 --- The omitted Japanese text appearing between excerpts No. 1 and No. 2, and between excerpts No. 2 and No. 3 set forth in Schedule "A" of the application of the Prosecution;

2. From Prosecution Section document No. 693 --- The entire paragraph from line 2 of page 142 to the end of page 143.

Dated at Tokyo, Japan, this 16 January, 1947.

BY THE TRIBUNAL:

(Signed) W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/7ea246/

Paper No. 677
Disposes of
Paper No. 639

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al
- vs -
ARAKI, Sadao; et al

) ORDER:
) GRANTING APPLICATION OF
) PROSECUTION FOR EXEMPTION
) FROM RULE 6(B)(1) WITH
) RESPECT TO PROSECUTION
) DOCUMENT NO. 2954.

This matter coming on to be heard this 16th January, 1947, before The Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution for an order of exemption from the provisions of Rule 6(b)(1) of the Rules of Procedure of the International Military Tribunal for the Far East, with respect to International Prosecution Section document No. 2954, portions or excerpts from which the Prosecution intend to be adduced in evidence, as set forth in Schedule "A" attached to said application and by reference made a part thereof, so as to permit the Prosecution to serve upon the accused or their Counsel, copies of excerpts, only, from said document, in both the Japanese and the English language, in the place and stead of the entire original document; and after hearing the arguments of Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application be and is hereby granted, as prayed.

Dated at Tokyo, Japan, this 16 January, 1947.

BY THE TRIBUNAL:

/s/ W. F. WEBB
PRESIDENT

PURL: http://www.legal-tools.org/doc/e11b4d/

Paper No. 709
Disposes of
Oral Application in
Open Court

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	ORDER:
	IN RE: ORAL APPLICATION
- vs -	OF THE PROSECUTION TO
	AMEND COUNT NO. 25 OF
ARAKI, Sadao; et al	THE INDICTMENT

This matter coming on for further hearing by the Tribunal, in Open Court, on the 24th day of January, 1947, upon the oral application of the Prosecution made in Open Court on the 21st day of January, 1947, to amend Count No. 25 of the Indictment by substituting the name of "TOJO" for "TOGO"; and the Tribunal hearing the arguments of Counsel, and being fully advised in the premises; it is the decision of the majority of the Justices of the Tribunal, and

ORDERED: That in Count No. 25 of the Indictment the application is granted to strike out of said Count the name "TOGO" and the same is hereby so striken and, it is further

ORDERED: That the said application is refused so far as it included the insertion of the name "TOJO".

Dated at Tokyo, Japan, this 29 January, 1947.

BY THE TRIBUNAL:

Signed: W. F. WEBB
PRESIDENT

PURL: http://www.legal-tools.org/doc/5dbbd4/

SITTING:

The Honorable Sir William Webb
The Honorable Mr. Justice Northcroft
Lord Patrick
Major General of Justice I. M. Zaryanov
Major General Myron C. Cramer
The Honorable Mr. Justice McDougall
The Honorable Mr. Justice Bernard
The Honorable Mr. Justice Pal
The Honorable Mr. Justice Roling
The Honorable Mr. Justice Mei
The Honorable Mr. Justice Jaramilla

PURL: http://www.legal-tools.org/doc/5dbbd4/

Paper No. 710
Disposes of
Oral application in
Open Court, circ.,
1 October, 1946.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	ORDER:
	GRANTING ORAL APPLICATION
	OF PROSECUTION TO CONDUCT
- vs -	THE PHASE OF THE CASE FOR
	THE REPUBLIC OF FRANCE IN
	THE FRENCH LANGUAGE.
ARAKI, Sadao; et al	

This matter coming on for further hearing and consideration by the Tribunal in Open Court this 1st day of October, 1946, upon the oral application of the Prosecution for leave of the Tribunal to conduct and present in the French language, that phase of the case relating to the Republic of France, in that:

(1) The opening statement may be made in the French language, with simultaneous transmission of translations of the French in the English and the Japanese languages;

(2) That the Prosecutor may make his extemporaneous remarks to the Tribunal and his replies to remarks and objections interposed by Counsel for the Defense, and his replies to remarks and interrogations made by the Tribunal, in the French language, and the same shall be translated into English and Japanese and transmitted simultaneously;

PURL: http://www.legal-tools.org/doc/cafe5c/

(3) All prepared statements and comments regarding any documents to be offered into evidence in this phase of the case may be presented in the French language, with simultaneous English and Japanese translations transmitted concurrently therewith; the contents of the accepted documents to be read in the English language, with the usual concurrent transmission of translations thereof in the Japanese language; and

The Tribunal hearing the further arguments of Counsel, and being fully advised in the premises; it is the decision of a majority of the Justices of the Tribunal and

ORDERED: That the oral application of the Prosecution to conduct the phase of the case for the Republic of France in the French language be granted, in that the use of the French language shall be allowed to the extent indicated or suggested by the oral application; and it is further

ORDERED: That objections interposed by the Defense to the admission of evidence or otherwise will be translated into French and into Japanese or English, as the case may be, and the same procedure applies to the answers thereto; and it is further

ORDERED: That this order may be altered from time to time to suit the exigencies of the case and to enable compliance with the Charter.

Dated at Tokyo, Japan, nunc pro tunc, 1 October, 1946.

Signed: 29 January, 1947.

/s/ W. F. WEBB,
PRESIDENT.

PURL: http://www.legal-tools.org/doc/cafe5c/

SITTING:

The Honorable Sir William Webb
The Honorable Mr. Justice Northcroft
Lord Patrick
The Honorable Mr. Justice Mei
Major General of Justice I. M. Zaryanov
Major General Myron C. Cramer
The Honorable Mr. Justice McDougall
The Honorable Mr. Justice Bernard
The Honorable Mr. Justice Roling
The Honorable Mr. Justice Pal
The Honorable Mr. Justice Jaranilla

PURL: http://www.legal-tools.org/doc/cafe5c/

Paper No. 712
Disposes of
Paper No. 681 in respect to
Paper No. 642.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	ORDER: GRANTING THE APPLICATION OF THE ACCUSED SHIMADA, SHIGETARO, TO AMEND THAT CERTAIN ORDER OF THE TRIBUNAL NO. 642 DATED 8 JANUARY, 1947, WITH REGARD TO THE PRODUCTION OF CERTAIN DOCUMENTS.
- vs -	
ARAKI, Sadao; et al	

This matter coming on to be heard this 27 day of January, 1947, before The Honorable Sir William Webb, President of the Tribunal, upon the application of the accused SHIMADA, Shigetaro, by his Counsel of record, to amend that certain order of the Tribunal dated 8 January, 1947, and designated Paper No. 642, wherein the Tribunal ordered the production of certain witnesses and documents named and set forth therein on behalf of the said accused, by striking from said order that part thereof beginning in the middle of Page 4 and commencing as follows: "It is further ORDERED: That the application of the accused for the production of the following named documents is granted" and continuing to the middle of Page 5, to the line, but not including, "Dated at Tokyo, Japan, this 8 January, 1947," and inserting in the place and in lieu thereof as though set forth originally therein in full the following:

PURL: http://www.legal-tools.org/doc/cafe5c/

"It is further

"ORDERED: That the application of the accused for the production of the following named documents is granted, and that said documents, the location of which is set forth in the description of the documents, be procured forthwith and lodged with the Registry of the Tribunal, subject, however, to the decision of the proper responsible officials of the government of the United States of America or of the United Kingdom of Great Britain to reveal, release, or withhold those documents respectively requested from said governments for reasons of state or security:

The following tables or lists compiled by the United States Navy Department;

(a) List of battleships, airplane carriers, and A and B class cruisers at the end of every year beginning from 1931 to 1945;

(b) Records showing the number of Navy personnel at the end of every year beginning from 1931 to 1945, including reserves;

(c) Tables showing construction plan of warships and Navy airplanes at the end of every year beginning from 1931 to 1945;

(d) Records of the discussions in the Senate and Foreign Affairs and Naval Committee in Congress from April to December 1930 bearing upon the 1930 London Naval Armament Conference;

(e) Records of the meeting of the United States Naval Committee of the Senate dating from

PURL: http://www.legal-tools.org/doc/cafe5c/

April 1940, to January 1, 1942, located in the files of the United States Senate;

(f) All diplomatic documents and telegrams between the United States of America and England, dating from April 1941 to the end of the same year, located in the United States Department of State and also in the British Foreign Ministry;

(g) United States documents pertaining to the Japanese-American Conference, located in the United States Department of State, from the beginning of 1941 to the end of the same year."

And it is further

ORDERED: That in each and all other respects, the order of the Tribunal of 8 January, 1947, shall be and remain as originally made and entered and in full force and effect.

Dated at Tokyo, Japan, this 29 January, 1947.

BY THE TRIBUNAL:

Signed:

W. F. WEBB
PRESIDENT

PURL: http://www.legal-tools.org/doc/cafe5c/

Paper No. 714
Disposes of
Application in
Open Court, circ.,
4 October, 1946.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	ORDER:
	GRANTING APPLICATION OF
- vs -	THE PROSECUTION TO CONDUCT
	THE PHASE OF THE CASE FOR
ARAKI, Sadao; et al	THE UNION OF SOVIET SOCIAL-
	IST REPUBLICS IN THE
	RUSSIAN LANGUAGE.

This matter coming on for further hearing and consideration by the Tribunal in Open Court this 4th day of October, 1946, upon the application of the Prosecution for leave of the Tribunal to conduct and present in the Russian language that phase of the case relating to the Union of Soviet Socialist Republics in that:

(1) The opening statement and all comments on the evidence presented to the Tribunal will be read in the Russian language. They will be written and translated into English and Japanese beforehand. The respective texts will be served on the interpreters in good time, so that simultaneous translation into English and Japanese, and the concurrent transmission thereof, will be assured;

(2) The documents, or portions thereof, which are offered and admitted into evidence and read into the record will be prepared and presented in the same order and manner as set forth in Paragraph (1);

(3) The examination of Russian witnesses is to be carried out in the Russian language, with subsequent translation

PURL: http://www.legal-tools.org/doc/cafe5c/

of questions and answers simultaneously into Japanese and English;

(4) The offering and reading of affidavits in lieu of direct examination of Japanese witnesses is intended and will be done in the same way as the reading of documents in general;

(5) The President's remarks and the objections of the Defense should be translated into Russian. Accordingly, the Prosecutor's replies to the objections of the Defense and the Prosecutor's explanations to the President's remarks will have to be translated into English and Japanese simultaneously; and

The Tribunal hearing the further arguments of Counsel, and being fully advised in the premises, it is the decision of a majority of the Justices of the Tribunal and

ORDERED: That said application of the Prosecution is granted, with the exception of Paragraph (5) thereof, which reads: "The President's remarks and the objections of the Defense should be translated into Russian. Accordingly, the Prosecutor's replies to the objections of the Defense and the Prosecutor's explanations to the President's remarks will have to be translated into English and Japanese simultaneously." The application of the Prosecution to use the Russian language in respect to those matters is denied.

Dated at Tokyo, Japan, nunc pro tunc, 6 October, 1946.

Signed: 30 January, 1947.

BY THE TRIBUNAL:

(Signed) W. F. Webb
President

PURL: http://www.legal-tools.org/doc/cafe5c/

SITTING:

The Honorable Sir William Webb
The Honorable Mr. Justice Northcroft
Lord Patrick
The Honorable Mr. Justice Mei
Major General of Justice I. M. Zaryanov
Major General Myron C. Cramer
The Honorable Mr. Justice McDougall
The Honorable Mr. Justice Bernard
The Honorable Mr. Justice Roling
The Honorable Mr. Justice Pal
The Honorable Mr. Justice Jaranilla

PURL: http://www.legal-tools.org/doc/cafe5c/

Paper No. 710
Disposes of
Oral application in
Open Court, circ.,
1 October, 1946.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	ORDER:
	GRANTING ORAL APPLICATION
	OF PROSECUTION TO CONDUCT
- vs -	THE PHASE OF THE CASE FOR
	THE REPUBLIC OF FRANCE IN
	THE FRENCH LANGUAGE.
ARAKI, Sadao; et al	

This matter coming on for further hearing and consideration by the Tribunal in Open Court this 1st day of October, 1946, upon the oral application of the Prosecution for leave of the Tribunal to conduct and present in the French language, that phase of the case relating to the Republic of France, in that:

(1) The opening statement may be made in the French language, with simultaneous transmission of translations of the French in the English and the Japanese languages;

(2) That the Prosecutor may make his extemporaneous remarks to the Tribunal and his replies to remarks and objections interposed by Counsel for the Defense, and his replies to remarks and interrogations made by the Tribunal, in the French language, and the same shall be translated into English and Japanese and transmitted simultaneously;

PURL: http://www.legal-tools.org/doc/568a4f/

(3) All prepared statements and comments regarding any documents to be offered into evidence in this phase of the case may be presented in the French language, with simultaneous English and Japanese translations transmitted concurrently therewith; the contents of the accepted documents to be read in the English language, with the usual concurrent transmission of translations thereof in the Japanese language; and

The Tribunal hearing the further arguments of Counsel, and being fully advised in the premises; it is the decision of a majority of the Justices of the Tribunal and

ORDERED: That the oral application of the Prosecution to conduct the phase of the case for the Republic of France in the French language be granted, in that the use of the French language shall be allowed to the extent indicated or suggested by the oral application; and it is further

ORDERED: That objections interposed by the Defense to the admission of evidence or otherwise will be translated into French and into Japanese or English, as the case may be, and the same procedure applies to the answers thereto; and it is further

ORDERED: That this order may be altered from time to time to suit the exigencies of the case and to enable compliance with the Charter.

Dated at Tokyo, Japan, nunc pro tunc, 1 October, 1946.

Signed: 29 January, 1947.

/s/ W. F. WEBB,
PRESIDENT.

PURL: http://www.legal-tools.org/doc/568a4f/

SITTING:

The Honorable Sir William Webb
The Honorable Mr. Justice Northcroft
Lord Patrick
The Honorable Mr. Justice Mei
Major General of Justice I. M. Zaryanov
Major General Myron C. Cramer
The Honorable Mr. Justice McDougall
The Honorable Mr. Justice Bernard
The Honorable Mr. Justice Roling
The Honorable Mr. Justice Pal
The Honorable Mr. Justice Jaranilla

PURL: http://www.legal-tools.org/doc/568a4f/

Paper No. 712
Disposes of
Paper No. 681 in respect to
Paper No. 642.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	ORDER: GRANTING THE APPLICATION OF THE ACCUSED SHIMADA, SHIGETARO, TO AMEND THAT CERTAIN ORDER OF THE TRIBUNAL NO. 642 DATED 8 JANUARY, 1947, WITH REGARD TO THE PRODUCTION OF CERTAIN DOCUMENTS.
- vs -	
ARAKI, Sadao; et al	

This matter coming on to be heard this 27 day of January, 1947, before The Honorable Sir William Webb, President of the Tribunal, upon the application of the accused SHIMADA, Shigetaro, by his Counsel of record, to amend that certain order of the Tribunal dated 8 January, 1947, and designated Paper No. 642, wherein the Tribunal ordered the production of certain witnesses and documents named and set forth therein on behalf of the said accused, by striking from said order that part thereof beginning in the middle of Page 4 and commencing as follows: "It is further ORDERED: That the application of the accused for the production of the following named documents is granted" and continuing to the middle of Page 5, to the line, but not including, "Dated at Tokyo, Japan, this 8 January, 1947," and inserting in the place and in lieu thereof as though set forth originally therein in full the following:

PURL: http://www.legal-tools.org/doc/34f78a/

"It is further

"ORDERED: That the application of the accused for the production of the following named documents is granted, and that said documents, the location of which is set forth in the description of the documents, be procured forthwith and lodged with the Registry of the Tribunal, subject, however, to the decision of the proper responsible officials of the government of the United States of America or of the United Kingdom of Great Britain to reveal, release, or withhold those documents respectively requested from said governments for reasons of state or security:

The following tables or lists compiled by the United States Navy Department;

(a) List of battleships, airplane carriers, and A and B class cruisers at the end of every year beginning from 1931 to 1945;

(b) Records showing the number of Navy personnel at the end of every year beginning from 1931 to 1945, including reserves;

(c) Tables showing construction plan of warships and Navy airplanes at the end of every year beginning from 1931 to 1945;

(d) Records of the discussions in the Senate and Foreign Affairs and Naval Committee in Congress from April to December 1930 bearing upon the 1930 London Naval Armament Conference;

(e) Records of the meeting of the United States Naval Committee of the Senate dating from

PURL: http://www.legal-tools.org/doc/34f78a/

April 1940, to January 1, 1942, located in the files of the United States Senate;

(f) All diplomatic documents and telegrams between the United States of America and England, dating from April 1941 to the end of the same year, located in the United States Department of State and also in the British Foreign Ministry;

(g) United States documents pertaining to the Japanese-American Conference, located in the United States Department of State, from the beginning of 1941 to the end of the same year."

And it is further

ORDERED: That in each and all other respects, the order of the Tribunal of 8 January, 1947, shall be and remain as originally made and entered and in full force and effect.

Dated at Tokyo, Japan, this 29 January, 1947.

BY THE TRIBUNAL:

Signed:

W. F. WEBB
PRESIDENT

PURL: http://www.legal-tools.org/doc/34f78a/

Paper No. 714
Disposes of
Application in
Open Court, circ.,
4 October, 1946.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	ORDER:
	GRANTING APPLICATION OF
- vs -	THE PROSECUTION TO CONDUCT
	THE PHASE OF THE CASE FOR
ARAKI, Sadao; et al	THE UNION OF SOVIET SOCIAL-
	IST REPUBLICS IN THE
	RUSSIAN LANGUAGE.

This matter coming on for further hearing and consideration by the Tribunal in Open Court this 4th day of October, 1946, upon the application of the Prosecution for leave of the Tribunal to conduct and present in the Russian language that phase of the case relating to the Union of Soviet Socialist Republics in that:

(1) The opening statement and all comments on the evidence presented to the Tribunal will be read in the Russian language. They will be written and translated into English and Japanese beforehand. The respective texts will be served on the interpreters in good time, so that simultaneous translation into English and Japanese, and the concurrent transmission thereof, will be assured;

(2) The documents, or portions thereof, which are offered and admitted into evidence and read into the record will be prepared and presented in the same order and manner as set forth in Paragraph (1);

(3) The examination of Russian witnesses is to be carried out in the Russian language, with subsequent translation

PURL: http://www.legal-tools.org/doc/5cdaea/

of questions and answers simultaneously into Japanese and English;

(4) The offering and reading of affidavits in lieu of direct examination of Japanese witnesses is intended and will be done in the same way as the reading of documents in general;

(5) The President's remarks and the objections of the Defense should be translated into Russian. Accordingly, the Prosecutor's replies to the objections of the Defense and the Prosecutor's explanations to the President's remarks will have to be translated into English and Japanese simultaneously; and

The Tribunal hearing the further arguments of Counsel, and being fully advised in the premises, it is the decision of a majority of the Justices of the Tribunal and

ORDERED: That said application of the Prosecution is granted, with the exception of Paragraph (5) thereof, which reads: "The President's remarks and the objections of the Defense should be translated into Russian. Accordingly, the Prosecutor's replies to the objections of the Defense and the Prosecutor's explanations to the President's remarks will have to be translated into English and Japanese simultaneously." The application of the Prosecution to use the Russian language in respect to those matters is denied.

Dated at Tokyo, Japan, nunc pro tunc, 6 October, 1946.

Signed: 30 January, 1947.

BY THE TRIBUNAL:

(Signed) W. F. Webb
President

PURL: http://www.legal-tools.org/doc/5cdaea/

SITTING:

The Honorable Sir William Webb
The Honorable Mr. Justice Northcroft
Lord Patrick
The Honorable Mr. Justice Mei
Major General of Justice I. M. Zaryanov
Major General Myron C. Cramer
The Honorable Mr. Justice McDougall
The Honorable Mr. Justice Bernard
The Honorable Mr. Justice Roling
The Honorable Mr. Justice Pal
The Honorable Mr. Justice Jaranilla

PURL: http://www.legal-tools.org/doc/5cdaea/

Paper No. 716

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

Case No. 1

THE UNITED STATES OF AMERICA; et al
- vs -
ARAKI, Sadao; et al

ORDER

This matter coming on for hearing on this 31st day of January, 1947, upon the application of the defendant UMEZU, Yoshijiro for the ordering of facilities for interrogation of a witness; and it appearing to the Tribunal that heretofore and to wit on 11 September 1946 the defendant UMEZU made application to the Tribunal for the issuance of a subpoena for NAKASHIMA, Tetsuzō, which subpoena was ordered issued by the Tribunal on 16 September 1946, and was thereafter duly issued, and it further appearing that the military authorities in whose custody NAKASHIMA, Tetsuzō now is are not desirous of permitting his return to Japan to testify as a witness in this cause; and the defendant UMEZU having applied through his counsel for the granting of facilities for interrogation of the witness NAKASHIMA; it is therefore

ORDERED: That the subpoena heretofore issued for NAKASHIMA, Tetsuzō remain in full force and effect, but that further proceedings in accordance with it be held in abeyance; and it is further

ORDERED: That every facility and assistance be provided to counsel for the accused UMEZU, Yoshijirō, to submit written interrogatories to or to interrogate orally the witness NAKASHIMA, Tetsuzō at the place where he is now located and may be found or held.

Dated at Tokyo, Japan, this 31st January, 1947.

BY THE TRIBUNAL:

/s/ W. F. WEBB
PRESIDENT

PURL: http://www.legal-tools.org/doc/2c8cac/

Paper No. 717
Disposes of
Oral Application
implementing certain
orders.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	ORDER: GRANTING WITHDRAWAL FROM THE RECORDS OF THE TRIBUNAL COURT EXHIBITS NOS. 1251, 1253-C, 2034, ET AL. PURSUANT TO PREVIOUS ORDERS OF THE TRIBUNAL.
- vs -	
ARAKI, Sadao; et al	

This matter coming on to be heard this 31 January 1947, before The Honorable Sir William Webb, President of the Tribunal, upon the oral application of Prosecution for an order granting leave to withdraw from the records of the Tribunal the original documents heretofore introduced into evidence or lodged and marked for identification only, as follows:

IPS Document No.	Court Exhibit No.
6251	1251
6254-C	1253-C
8431	2034
8478	2036
8439	2036-A
8440	2036-B
8441	2036-C
8433	2039
8432-A	2040
8445	2041

PURL: http://www.legal-tools.org/doc/6a7ba5/

IPS Document No.	Court Exhibit No.
8427	2042
8436	2043
8437	2044
8438	2045
8428	2046
8430	2047
8429	2048
8424	2049
8423	2050
8426	2051
8425	2052
8422	2053
8467	2055
8447	2055-A
8446	2055-B
8449	2055-C
8444	2055-D
8448	2055-E
8466	2056
8463	2056-A
8462	2056-B
8435	2058
8398	2059
8399	2060
8421	2061
8470	2062
8469	2063
8434	2064

PURL: http://www.legal-tools.org/doc/6a7ba5/

IPS Document No.	Court Exhibit No.
8401	2076
8396	2077
8415	2078
8412	2079
8402	2080
8403	2081
8404	2082
8409	2083
8411	2084
8413	2085
8414	2086
8400	2092
8397	2093
8380	2094
8381	2095
8382	2096
8383	2097
8379	2098
8388	2099
8472	2100
8395	2101
8416	2102
8410	2103
8454	2107
8457	2108
548	2105

PURL: http://www.legal-tools.org/doc/6a7ba5/

and substitute in the place and stead thereof in the records of the Tribunal, certified duplicates or copies, of said documents so placed in evidence, to the end that said documents and each of them, according to the respective source of origin, may be returned forthwith to the Swiss Legation at Tokyo, Japan, the United States Navy, or other Government office from which they were originally secured; and

It appearing to the Tribunal that the withdrawal of these documents, including those marked and lodged for identification only, and the substitution in the records of the Tribunal of certified duplicates or copies of the documents or parts thereof which have been introduced and received in evidence, as requested, will in no wise prejudice the rights of the accused or any of them, and no substantial injustice will result thereby to the said accused; and

It further appearing to the Tribunal that the Tribunal made an oral order, in Open Court, on the 26th day of November, 1946, Page 11,302 of the transcript of record, granting the oral application of Prosecution, submitted at that time, to withdraw certain documents which had been placed with the Court and substitute certified duplicates for them; and

That the Tribunal made an oral order, in Open Court, on the 15th day of January, 1947, Page 15,281 of the transcript of record, granting the oral application of the Prosecution submitted at that time, to withdraw original documents from permanent official files, such as the official files of the Swiss Legation and the Navy

PURL: http://www.legal-tools.org/doc/6a7ba5/

Department, which had been introduced in evidence or lodged and marked for identification and substitute true copies in the place of the documents or parts thereof so introduced in evidence; and

It further appearing to the Tribunal that the accused by their respective counsel of record made no objection to the entering of the first order hereinabove mentioned although their attention was directed thereto by the Court and affirmatively consented to the granting of the second order hereinabove mentioned; and

That the documents enumerated and set forth in this oral application are among the documents referred to in, and the subject matter of, the two orders of the Tribunal to which reference is hereinabove made; and

The Tribunal hearing the statements and arguments of Counsel, and being fully advised in the premises; it is

ORDERED: That said application be and is hereby granted; and it is further

ORDERED: That Court Exhibits Nos. 1251, 1253-C, 2034, 2036, 2036-A, 2036-B, 2036-C, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2055, 2055-A, 2055-B, 2055-C, 2055-D, 2055-E, 2056, 2056-A, 2056-B, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2107, 2108, and 2105, be withdrawn forthwith from the records of the Tribunal and returned to their respective source of origin from which they were originally secured, upon condition that certified duplicates or copies of the said documents or parts thereof which have been introduced and received in evidence be substituted in the records of the Tribunal in the place of the documents so withdrawn, and that said sub-

PURL: http://www.legal-tools.org/doc/6a7ba5/

stituted duplicates or copies have the same force and effect as the original documents and upon the further condition that the above enumerated Court Exhibits are to be returned to the records of the Tribunal should the Tribunal so direct at any time in the future.

Dated at Tokyo, Japan, this 31 January, 1947.

BY THE TRIBUNAL:

/s/ W. F. WEBB
PRESIDENT

PURL: http://www.legal-tools.org/doc/6a7ba5/

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

721

Case No. 1

THE UNITED STATES OF AMERICA: et al

- vs -

ARAKI, Sadao; et al

ORDER: GRANTING ORAL APPLICATION OF THE DEFENSE FOR USE OF CERTAIN TRANSLATING AND PROCESSING FACILITIES OF THE PROSECUTION IN THE COURSE OF PRESENTATION OF EVIDENCE BY THE DEFENSE.

This matter came on this 3rd day of February before The Honorable Sir William Webb, President of the Tribunal, upon the oral application of the Defense for use of certain translating and processing facilities of the Prosecution during the period of introduction of evidence by the Defense; and

It appearing that in compliance with a previous suggestion by the President of the Tribunal the Prosecution and the Defense have conferred regarding the use by the Defense of certain translation and processing facilities of the Prosecution; and that a tentative agreement has been reached in accordance with a memorandum this day filed with the Tribunal; it is

ORDERED: That the arrangement set forth in said memorandum be and same is hereby approved; and that the Prosecution take such steps as it is advised may be necessary in obtaining from the Supreme Commander for the Allied Powers authority to use the said facilities as contemplated in said memorandum.

Dated at Tokyo, Japan

Signed:

W. F. WEBB,
PRESIDENT

PURL: http://www.legal-tools.org/doc/091ce6/

Paper No. 726
Disposes of
Paper No. 720
in part only.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al - vs - ARAKI, Sadao; et al	ORDER: THAT FACILITIES TO INTERVIEW OR INTERROGATE CERTAIN WITNESSES REQUESTED BY THE ACCUSED ITAGAKI, SEISHIRO, BE PROVIDED; AND FOR 2 SUMMONSES.

This matter coming on to be heard on this 10th day of February, 1947, before The Honorable Sir William Webb, President of the Tribunal, upon the application of ITAGAKI, Seishiro, one of the defendants herein, for the production of certain witnesses necessary to the defense of the said ITAGAKI, Seishiro, in accordance with the provisions of Section 3, Article 9, Paragraph (e) of the Charter, the names of said witnesses being set forth in said application, which is Paper No. 720; and after hearing statements and arguments of Counsel for the said ITAGAKI, Seishiro, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application as to each of the following named persons be granted, as prayed:

1. NOGUCHI, Yuzuru

   (a) The nationality of the witness is Japanese;

   (b) The present address of the witness is Sugamo Prison, Tokyo;

PURL: http://www.legal-tools.org/doc/9261f9/

2. UCHIDA, Goro

(a) The nationality of the witness is Japanese;

(b) The present address of the witness is Sugamo Prison, Tokyo;

and that a summons be issued by the Secretary General of the Tribunal, commanding each of said persons, to-wit: NOGUCHI, Yuzuru, and UCHIDA, Goro, to attend and testify before said Tribunal as a witness for the accused ITAGAKI, Seishiro, at a time indicated to the Secretary General of the Tribunal, by Counsel of record for the said accused, as a probable date when the witness will be actually required.

It is further ORDERED: That every facility and assistance be provided to Counsel for the accused ITAGAKI to submit written interrogatories to or verbally interrogate each of the following named persons at the place where said person is now located or held:

1. Han Yun-chieh

(a) The nationality of the witness is Chinese;

(b) The present address of the witness is believed to be Chungking, China;

(c) He was born in Manchuria and was carrying on business in several parts of Manchuria such as at Harbin until the outbreak of the Mukden Incident. After the incident he served the Manchukuo Government as the mayor of Sinking Special City. The Finance Minister of the new state and represented Manchukuo Government in Europe.

2. Kan Tzn Siang

(a) The nationality of the witness is Chinese;

PURL: http://www.legal-tools.org/doc/9261f9/

(b) The present address of the witness is believed to be Peking, China;

(c) He was a native of Manchuria and was the head of a prefecture in Mukden Province before the Mukden Incident in 1931. He later served the Manchukuo Government as the Chief of the road construction section of civil engineering department of Civil Administration Office in 1935, and in 1937 he became the Chief of the Educational Department of Autung Province, in 1938 as the Vice-Chief of the General Affairs Department of the Manchukuo Government and then became the Minister of Civil Administration of the same government.

3. Chang Kai Yung

(a) The nationality of the witness is Chinese;

(b) The present address of the witness is believed to be Changchun, Manchuria;

(c) He is a native of Fukien, China. He served the Manchukuo Government as a secretary to the commercial representative of Manchukuo in Europe for three years. After returning to Manchukuo he served as a Councilor of the Publication Department of the Government until the end of the war.

It is further ORDERED: That the application of the accused for the issuance of a subpoena for each of the persons named in his request for the production of witnesses is indefinitely continued, awaiting results and disclosures of the interrogations hereinbefore authorized and ordered and the

PURL: http://www.legal-tool...rg/doc/9261f9/

Paper No. 727
Disposes of
Paper No. 722 in part only.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	) ORDER:
	) THAT FACILITIES TO INTER-
- vs -	) VIEW OR INTERROGATE IN
	) WRITING A WITNESS REQUEST
ARAKI, Sadao; et al	) ED BY THE ACCUSED KIMURA
	) BE PROVIDED.

This matter coming on to be heard this 10th day of February, 1947, before The Honorable Sir William Webb, President of the Tribunal, upon the application of KIMURA, Heitaro, one of the defendants herein, for the production of a witness necessary to the defense of said KIMURA, Heitaro, in accordance with the provisions of Section 3, Article 9, Paragraph (e) of the Charter, the name of said witness being set forth in said application, which is Paper No. 722; and after hearing the statements and arguments of Counsel for the said KIMURA, Heitaro, and the Tribunal being fully advised in the premises, it is

ORDERED: That every facility and assistance be provided to Counsel for the accused KIMURA to submit written interrogatories to or verbally interrogate the following named person at the place where said person is now located or held:

Lieut. General TANAKA, Nobuo;

(a) The nationality of the witness is Japanese;

PURL: http://www.legal-tools.org/doc/c8348f/

accused is granted permission to file a supplemental application for the issuance of subpoenas for such witnesses selected from those named in this Order as may be found necessary to his proper defense in this case as a result of said interrogations.

Dated at Tokyo, Japan, this 10 February 1947.

BY THE TRIBUNAL:

(Signed) W. F. WEBB
PRESIDENT

PURL: http://www.legal-tools.org/doc/c8348f/

Paper No. 727
Disposes of
Paper No. 722 in part only.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al
- vs -
ARAKI, Sadao; et al

) ORDER:
) THAT FACILITIES TO INTER-
) VIEW OR INTERROGATE IN
) WRITING A WITNESS REQUEST
) ED BY THE ACCUSED KIMURA
) BE PROVIDED.

This matter coming on to be heard this 10th day of February, 1947, before The Honorable Sir William Webb, President of the Tribunal, upon the application of KIMURA, Heitaro, one of the defendants herein, for the production of a witness necessary to the defense of said KIMURA, Heitaro, in accordance with the provisions of Section 3, Article 9, Paragraph (e) of the Charter, the name of said witness being set forth in said application, which is Paper No. 722; and after hearing the statements and arguments of Counsel for the said KIMURA, Heitaro, and the Tribunal being fully advised in the premises, it is

ORDERED: That every facility and assistance be provided to Counsel for the accused KIMURA to submit written interrogatories to or verbally interrogate the following named person at the place where said person is now located or held:

Lieut. General TANAKA, Nobuo;

(a) The nationality of the witness is Japanese;

PURL: http://www.legal-tools.org/doc/077017/

(b) The witness is in Rangoon in custody of the British Army. The desired witness is not charged as a war criminal.

It is further ORDERED: That the application of the accused for the issuance of a subpoena for the person named in his request for the production of a witness is indefinitely continued, awaiting results and disclosures of the interrogations hereinbefore authorized and ordered, and the accused is granted permission to file a supplemental application for the issuance of a subpoena for said witness, should he be found necessary to the proper defense of the accused as a result of said interrogations.

Dated at Tokyo, Japan, this 10 February, 1947.

BY THE TRIBUNAL:

/s/ W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/077017/

INTERNATIONAL MILITARY TRIBUNAL

FOR THE FAR EAST

Paper No. 722

THE UNITED STATES OF AMERICA, et al

- VS -

ARAKI, Sadao, et al

- Defendants -

REQUEST FOR PRODUCTION OF WITNESS

NOW COMES KIMURA, Heitaro, and requests the Tribunal, in accordance with Article 9(e) of the Charter, to order the production of the following witness necessary to his defense:

1. Lieut. General TANAKA, Nobuo

   a. The nationality of the witness is Japanese;

   b. The witness is in Rangoon in custody of the British army. The desired witness is not charged as a war criminal;

   c. This witness is familiar with the Kalagon case in which some 500 civilian inhabitants in Kalagon, Burma, were allegedly unlawfully killed and tortured. He will testify that the accused KIMURA did not authorize nor have knowledge of this alleged atrocity, the relevancy of which is obvious.

KIMURA, Heitaro

by

SHIOBARA Tokisaburo

Joseph C. Howard

His Counsel

3 February 1947

PURL: http://www.legal-tools.org/doc/08cd04/

Paper No. 728
Disposes of
Papers Nos. 651, 655, 661, 664
668, 669, 670, 671, 673, 675,
678, 679, 683, 684, 685, 686,
687, 688, 689, 690, 691, 695,
696, 697, 698, 701 and 705.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al

- vs -

ARAKI, Sadao; et al

ORDER:
OVERRULING AND DENYING A GENERAL APPLICATION ON BEHALF OF ALL THE ACCUSED AND THE SEVERAL APPLICATIONS OF EACH ACCUSED RESPECTIVELY TO DISMISS THE INDICTMENT.

This matter coming on for final hearing and consideration by the Tribunal in Open Court this 3rd day of February 1947, upon the general application of all the accused, jointly and severally, to dismiss the Indictment and each and every count thereof as to each of the accused respectively, and, upon the individual application of each of the accused on his own behalf only, to dismiss the Indictment and each and every count therein contained as to him individually and for a judgment of acquittal, and upon the answer and reply of the Prosecution to each of said applications respectively; and

The Tribunal hearing the arguments of Counsel for the accused and for the Prosecution, and being fully advised in the premises, it is the decision of a majority of the Justices of the Tribunal, and

PURL: http://www.legal-tools.org/doc/a7fa44/

ORDERED: That each and all of said applications to dismiss the indictment and the counts therein contained be and is hereby overruled and denied.

Dated at Tokyo, Japan, this 10 February 1947.

BY THE TRIBUNAL:

(Signed) W. F. WEBB
PRESIDENT

SITTING:

The Honorable Sir William Webb
Mr. Justice McDougall
Mr. Justice Roling
Lord Patrick
Mr. Justice Mei
Major General of Justice Zaryanov
Major General Cramer
Mr. Justice Bernard
Mr. Justice Pal
Mr. Justice Jaranilla

NOT SITTING:

Mr. Justice Northcroft

PURL: http://www.legal-tools.org/doc/a7fa44/

Paper No. 729
Disposes of
Paper No. 723

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al
- vs -
ARAKI, Sadao; et al

ORDER:
GRANTING WITHDRAWAL FROM
THE CUSTODY OF THE
OFFICE OF THE CLERK OF
THE TRIBUNAL CERTAIN
J.A.G. REPORTS AND
AFFIDAVITS.

This matter coming on to be heard on this 10th day of February, 1947, before The Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution for leave to withdraw from the office of the Clerk of the Tribunal certain service reports of the office of the Judge Advocate General of the United States, together with the affidavits and summaries attached thereto, a part of which reports, affidavits and summaries, portions of which were introduced in evidence, are enumerated and set forth in said application, and all of which were heretofore deposited in the custody of the office of the Clerk of the Tribunal pursuant to an order of the Tribunal made and entered on the 9th day of December 1946 for the uses and purposes set forth in said order, to the end that all of said reports, affidavits and summaries, so deposited, may be returned forthwith to the Legal Section of SCAP from whom they were secured; and it appearing to the Tribunal that the Legal Section of SCAP desires to withdraw these reports, affidavits and summaries from the custody of the

PURL: http://www.legal-tools.org/doc/844266/

office of the Clerk of the Tribunal for the reason that the same are necessary to that section in connection with its work; and that said withdrawal as requested will in no wise prejudice the rights of the accused or any of them, and no substantial injustice will result thereby to said accused; and that the Legal Section of SCAP is prepared to return forthwith to the custody of the office of the Clerk of the Tribunal said reports, affidavits and summaries in the event either the Tribunal or the Defense might request them; and, after hearing the arguments of Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application be and is hereby granted as prayed, subject to the term and condition, however, that the Legal Section of SCAP keep said reports and the affidavits and summaries attached thereto, for inspection and examination by the accused in this case or their respective Counsel of record, and will return said reports and the affidavits and summaries attached thereto to the custody of the Clerk of the Tribunal upon further order of this Tribunal; and it is further

ORDERED: That all of the said reports and the affidavits and summaries attached thereto so deposited in the office of the Clerk of the Tribunal, to-wit: Reports numbered 1 to 317 inclusive, with the exception of numbers 4, 77, 81, 87, 91, 92, 98, 133, 143, 152, 254 and 316, be withdrawn from the custody of the office of the Clerk of the Tribunal and returned to the Legal Section of SCAP

PURL: http://www.legal-tools.org/doc/844266/

at Tokyo, Japan, subject to the term and condition as hereinabove set forth.

Dated at Tokyo, Japan, this 10 February 1947.

BY THE TRIBUNAL:

/s/ W. F. Webb
PRESIDENT

The foregoing order is concurred in and consented to by the respective Counsel for each and all of the accused.

/s/ Dr. Somei Uzawa
Chairman of the Defense Committee
Acting by direction of all the Accused.

Consented to by the Prosecution,

/s/ Carlisle W. Higgins,

Acting Chief of Counsel.

PURL: http://www.legal-tools.org/doc/844266/

Paper No. 733
Disposes of
Paper No. 730

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	) ORDER:
	) GRANTING ISSUANCE OF
- vs -	) SUMMONS FOR ENDO, SABUNO,
	) A WITNESS REQUESTED BY
ARAKI, Sadao; et al	) THE ACCUSED ITAGAKI,
	) SEISHIRO, UNDER THE
	) CHARTER.

This matter coming on to be heard on this 19th day of February 1947, before The Honorable Sir William Webb, President of the Tribunal, upon the application of ITAGAKI, Seishiro, which is Paper No. 630, one of the defendants herein, by his Counsel of record, for the production of Endo, Sabuno, as a witness necessary to the defense of the said ITAGAKI, Seishiro, in accordance with the provisions of Section III, Article 9, Paragraph (e) of the Charter; and after hearing statements and arguments of Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application be granted as prayed; and that a summons be issued by the General Secretary of the Tribunal, commanding the said Endo, Sabuno, whose

(a) Nationality is Japanese;

(b) Present address is Sugamo Prison, Tokyo,

PURL: http://www.legal-tools.org/doc/3fa2cb/

to attend and testify before said Tribunal as a witness for the accused ITAGAKI, Seishiro, at a time indicated to the General Secretary of the Tribunal, by Counsel of record for the said accused, as a probable date when the witness will be required.

Dated at Tokyo, Japan, this 19 February 1947.

BY THE TRIBUNAL:

/s/ W. F. WEBB
PRESIDENT

PURL: http://www.legal-tools.org/doc/3fa2cb/

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

Sitting at Tokyo, Japan

Case No. I

UNITED STATES OF AMERICA, et al

Prosecutors

- v -

Paper No. 730

ARAKI, Sadao, et al

Defendants

APPLICATION ON BEHALF OF ITAGAKI, Seishiro, FOR AN ORDER FOR PRODUCTION OF WITNESS

Comes now the accused ITAGAKI, Seishiro and makes known to this Tribunal that he is desirous of obtaining from this Tribunal an order and process for its production of the following named person as witness in his behalf at this trial.

ENDO, Sabuno - Nationality is Japanese
Government position - Lieutenant General
Present Address - Sugamo Prison, Tokyo

This application was not made earlier because arrangement had been made with this witness to appear without subpoena. He has this date (February 12, 1947) been taken into custody, is now in Sugamo Prison and cannot, of course, appear voluntarily.

The witness was a Staff Officer attached to the general staff office in Tokyo from 1929 to 1932 during which period the Mukden Incident occurred, and later in 1932 served as a staff officer of the Kwantung Army. In 1939 he became the Vice Chief of Staff of Kwantung Army.

This witness' testimony will show the attitude and measures taken by the General Staff Headquarters in Tokyo and by the Kwantung Army regarding the operations in Jehol, Tsitsihar, North China and also in regard to Tangku Truce.

The relevancy of the evidence which this witness will give is that the military operations in Jehol, Tsitsihar and in North China were not aggressive as alleged by the prosecution and that Tangku Truce was concluded in an effort to prevent the spread of fighting into China proper.

ITAGAKI, Seishiro

By_____
YAMADA, Honzo

_____
SASAGAWA, Tomoji

_____
BANNO, Junkichi

_____
Floyd J. Mattice

PURL: http://www.legal-tools.org/doc/868209/

Paper No. 735
Disposes of
Paper No. 731

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	) ORDER:
	) GRANTING ISSUANCE OF SUMMONS
- vs -	) FOR KUZUU, YOSHIHISA, A
	) WITNESS REQUESTED BY THE
ARAKI, Sadao; et al	) ACCUSED HASHIMOTO, KINGORO,
	) UNDER THE CHARTER.

This matter coming on to be heard on this 24th day of February 1947, before The Honorable Sir William Webb, President of the Tribunal, upon the application of HASHIMOTO, Kingoro, which is Paper No. 731, one of the defendants herein, by his Counsel of record, for the production of Kuzuu, Yoshihisa, as a witness necessary to the defense of the said HASHIMOTO, Kingoro, in accordance with the provisions of Section III, Article 9, Paragraph (e) of the Charter; and after hearing statements and arguments of Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application be granted as prayed; and that a summons be issued by the General Secretary of the Tribunal, commanding the said Kuzuu, Yoshihisa, whose

(a) Nationality is Japanese;

(b) Present address is Sugamo Prison, Tokyo,

to attend and testify before said Tribunal as a witness for the accused HASHIMOTO, Kingoro, at a time indicated

PURL: http://www.legal-tools.org/doc/e207e4/

to the General Secretary of the Tribunal, by Counsel of record for the said accused, as a probable date when the witness will be required.

Dated at Tokyo, Japan, this 24 February 1947.

BY THE TRIBUNAL:

/s/ W. F. WEBB
PRESIDENT

PURL: http://www.legal-tools.org/doc/e207e4/

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al — Paper No. 731

- vs -

ARAKI, Sadao, et al

-Defendant-

APPLICATION ON BEHALF OF HASHIMOTO, Kingoro, FOR AN ORDER FOR THE PRODUCTION OF A WITNESS

COMES NOW HASHIMOTO, Kingoro, and respectfully requests the Tribunal, in accordance with Section III, Article 9 (d) of the Charter, to order the production of the following named witness necessary to his defense:

1. KUZUU, Yoshihisa

   a. The nationality of the witness is Japanese;

   b. The witness is now in Sugamo Prison;

   c. The witness was at various times a member of the KOKURYU-KAI and the Imperial Rule Assistance Associatance Association;

   d. The testimony of this witness will deal with:

      (1) The purpose of the Imperial Rule Assistance Association;

      (2) The corrupt state of Japanese politics from about 1929 to 1931, and its relation to the Reform Movements of that period; and other relevant matters.

PURL: http://www.legal-tools.org/doc/494ba7/

e. The testimony of this witness is considered necessary to the defense of the accused in regard to Counts 1 to 17 inclusive of the Indictment;

f. This application was not made earlier as required by this Tribunal for the following reasons:

(1) It was anticipated that OTA, Kozo and IKEZAKI, Chuko would testify to matters dealing with the above subjects but these persons have since stated that they are reluctant to appear as witnesses in the trial. Had they consented it was the intent of the defendant HASHIMOTO not to call KUZUU, Yoshihisa since his testimony though important would have been cumulative.

Dated, Tokyo, Japan

18 February 1947

HASHIMOTO, Kingoro

By

_____

HAYASHI, Itsuro

_____

E. R. HARRIS
His Counsel

PURL: http://www.legal-tools.org/doc/494ba7/

Paper No. 736
Disposes of
Paper No. 732

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al

- vs -

ARAKI, Sadao; et al

ORDER:
GRANTING ISSUANCE OF SUMMONS FOR WACHI, TAKAJI, A WITNESS REQUESTED BY THE ACCUSED HASHIMOTO, KINGORO, UNDER THE CHARTER.

This matter coming on to be heard on this 24th day of February 1947, before The Honorable Sir William Webb, President of the Tribunal, upon the supplemental application of the accused HASHIMOTO, Kingoro, which is Paper No. 732, by his Counsel of record, for the issuance of a subpoena for Wachi, Takaji, as a witness to be produced on behalf of the accused HASHIMOTO, under and by virtue of the provisions of the Charter;

And it appearing to the Tribunal that the said accused HASHIMOTO, Kingoro, did heretofore apply to the Tribunal for the production of said witness, which application is Paper No. 565; and thereafter the Tribunal did enter an order granting to the said accused HASHIMOTO, or his Counsel of record, facilities to interrogate the said Wachi, Takaji, to ascertain his testimony;

And it further appearing to the Tribunal that the said Wachi, Takaji, has been so interrogated and that his testimony has been found necessary to the proper defense of the accused HASHIMOTO;

PURL: http://www.legal-tools.org/doc/6798a9/

And the Tribunal hearing statements and arguments of Counsel, and being fully advised in the premises, it is

ORDERED: That said supplemental application be granted as prayed; and that a summons be issued by the General Secretary of the Tribunal, commanding the said Wachi, Takaji, whose

(a) Nationality is Japanese;

(b) Present address is Manila, Luzon, Philippine Islands,

to attend and testify before said Tribunal as a witness for the accused HASHIMOTO, Kingoro, at a time indicated to the General Secretary of the Tribunal, by Counsel of record for the said accused, as a probable date when the witness will be required.

Dated at Tokyo, Japan, this 24 February 1947.

BY THE TRIBUNAL:

/s/ W. F. WEBB
PRESIDENT

PURL: http://www.legal-tools.org/doc/6798a9/

INTERNATIONAL MILITARY TRIBUNAL FOR THE
FAR EAST TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al

Paper #732

- vs -

ARAKI, Sadao, et al

-Defendant-

SUPPLEMENTAL APPLICATION ON BEHALF OF HASHIMOTO, Kingoro, FOR THE PRODUCTION OF A WITNESS

COMES NOW HASHIMOTO, Kingoro, pursuant to his application, Paper #565, for the production of WACHI, Takaji as a witness, and the order of the Tribunal, Paper #607, based upon such application and which latter stated that,

It is further ORDERED: That the application of the accused for the issuance of a subpoena for each of the persons named in his request for the production of witnesses is indefinitely continued, awaiting results and disclosures of the interrogations hereinbefore authorized and ordered, and the accused is granted permission to file a supplemental application for the issuance of subpoenas for such witnesses selected from those named in this Order as may be found necessary to his proper defense in this case as a result of said interrogations, and

Respectfully requests the Tribunal that on the basis of responses to interrogations submitted to WACHI, Takaji it is deemed necessary to the defense of HASHIMOTO, Kingoro that a subpoena be issued forthwith for his appearance as a witness.

PURL: http://www.legal-tools.org/doc/58a2f5/

It is further respectfully called to the attention of the Tribunal that WACHI, Takaji is no longer in Sugamo Prison but is at present being held as a war suspect in Manila, Luzon, Philippine Islands.

WHEREFORE, your petitioner prays that appropriate order be entered herein for the issuance of process of this Tribunal for the production of the aforesaid witness.

Dated, Tokyo, Japan
18 February 1947

HASHIMOTO, Kingoro

By

HAYASHI, Itsuro

HARRIS, E. Richard
His Counsel

PURL: http://www.legal-tools.org/doc/58a2f5/

Paper No. 738

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	ORDER: ESTABLISHING RULE OF PROCEDURE IN RE GENERAL CORRECTIONS, AND LANGUAGE CORRECTIONS, OF THE OFFICIAL TRANSCRIPT OF THE RECORD OF THE PROCEEDINGS.
- vs -	
ARAKI, Sadao; et al	

This matter coming on for consideration and determination by the Tribunal upon its own initiation this 24th day of February 1947, it is hereby

ORDERED: That the rule of procedure concerning general corrections and language corrections of the official transcript of the record of the proceedings of the Tribunal shall be as follows:

That proposed corrections of the official transcript of the record of the proceedings of the Tribunal shall be submitted, as soon as possible, in the form of a memorandum to the President of the Tribunal, with one (1) copy thereof to each of the following:

(a) The Chief Prosecutor;

(b) The Chairman of the Defense Panel;

(c) The Chief Court Reporter.

The said memorandum shall contain the following facts and information in connection with the requested corrections:

(a) Page and line in the record;

(b) Word or passage as it presently reads;

(c) Word or passage as it is suggested it should read;

(d) Basis of reason for suggested correction.

PURL: http://www.legal-tools.org/doc/65a678/

Either the Prosecution or the Defense may object to the said suggested corrections within 48 hours after the receipt of a copy of the same by presenting said objections to Mr. Crane in the office of the President of the Tribunal. Thereafter, the President may authorize or disapprove the suggested corrections. The corrections, if allowed, will be made by proper page substitution in the daily transcript of the record of the proceedings.

Language disputes, concerning documents read or to be read into the record, shall be submitted directly to the Language Arbitration Board. If the document has already been read into the record, the Language Arbitration Board shall announce its decision in Open Court. Corrections so announced shall be noted only in the original record by pen in red ink, and on the top left-hand corner of said corrected page shall appear the date of the proceedings during which the correction was announced. If the said document has not been read into the record, it shall be corrected according to the decision of the Language Arbitration Board and may then be tendered to the Tribunal in its corrected form.

Dated at Tokyo, Japan, this 24 February 1947.

BY THE TRIBUNAL:

/s/ W. F. WEBB
PRESIDENT

PURL: http://www.legal-tools.org/doc/65a678/

Paper No. 739
Disposes of
Paper No. 737

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	ORDER:
	FOR THE ISSUANCE OF
- vs -	SUMMONSES FOR WITNESSES
	ON BEHALF OF THE ACCUSED
ARAKI, Sadao; et al	TOJO, HIDEKI.

This matter coming on to be heard on this 26th day of February, 1947, before The Honorable Sir William Webb, President of the Tribunal, upon the application of TOJO, Hideki, one of the defendants herein, for the production of witnesses necessary to the defense of said TOJO, Hideki, in accordance with the provisions of Section III, Article 9, Paragraph (e) of the Charter, the names of said witnesses being fully set forth in said application, which is Paper No. 737; and after hearing the statements and arguments of Counsel for the said TOJO, Hideki, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application as to each of the following named persons be granted, as prayed:

1. FUJITA, Tsuguo
   (a) The nationality of the witness is Japanese;
   (b) His present address is Shimizu-Cho, Suginami-Ku, Tokyo;

2. MITARAI, Tatsuo
   (a) The nationality of the witness is Japanese;
   (b) His present address is Ohara-Cho, Chiba Prefecture;

PURL: http://www.legal-tools.org/doc/153a82/

3. OKADA, Tadahiko

(a) The nationality of the witness is Japanese;

(b) His present address is Naka-Cho, Azabau-Ku, Tokyo;

4. TAMURA, Kosaku

(a) The nationality of the witness is Japanese;

(b) His present address is No. 1123 Kitazawa, 1 Chome, Setagaya-Ku, Tokyo;

5. WAGATA, Yoshitada

(a) The nationality of the witness is Japanese;

(b) His present address is No. 3 Kuki Zushi-Cho, City of Kanagawa;

6. MURATA, Shozo

(a) The nationality of the witness is Japanese;

(b) His present address is Sugamo Prison, Tokyo;

7. YAMAMOTO, Kumaichi

(a) The nationality of the witness is Japanese;

(b) His present address is No. 7 Shimo-Uma, 3 Chome, Setagaya-Ku, Tokyo;

8. INOUE, Takamaro

(a) The nationality of the witness is Japanese;

(b) His present address is No. 766 Horino-Uchi, City of Hayama, Kanagawa Prefecture;

9. TSUGITA, Daisabro

(a) The nationality of the witness is Japanese;

(b) His present address is No. 41 Otsuka, Naka-Cho, Koishikawa, Ku, Tokyo;

PURL: http://www.legal-tools.org/doc/153a82/

10. ANDO, Kisaburo

(a) The nationality of the witness is Japanese;

(b) His present address is Sugamo Prison, Tokyo;

and that a summons be issued by the General Secretary of the Tribunal, commanding each of said persons, to-wit: FUJITA, Tsuguo, MITARAI, Tatsuo, OKADA, Tadahiko, TAMURA, Kosaku, WAGATA, Yoshitada, MURATA, Shozo, YAMAMOTO, Kumaichi, INOUE, Takamaro, TSUGITA, Daisabro, and ANDO, Kisaburo, to attend and testify before said Tribunal as a witness for the accused TOJO, Hideki, at a time indicated to the General Secretary of the Tribunal, by Counsel of record for the said accused, as a probable date when the witness will be actually required.

Dated at Tokyo, Japan, this 26 February 1947.

BY THE TRIBUNAL:

(Signed) W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/153a82/

INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST

Paper No. 737

THE UNITED STATES OF AMERICA, et al

- vs -

ARAKI, Sadao, et al.

- DEFENDANTS -

REQUEST FOR PRODUCTION OF WITNESSES

NOW COMES TOJO, HIDEKI and other defendants, by counsel of record, and respectfully request the Tribunal, in accordance with Section 3, Article 9, Paragraph 3 of the Charter and pursuant to order of the Tribunal, dated at Tokyo, Japan on the 24th day of October, paper bearing No. 492 to order the production of the following witnesses for their joint defense. All these witnesses have furnished affidavits or statements.

1. FUJITA, Tsuguo - Shimizu-Cho, Suginami-Ku, Tokyo.
   a. The nationality of the witness is Japanese
   b. This witness will testify to the precise relationships between the Japanese Government under the Constitution and the military organization.

2. MITARAI, Tatsuo - Ohara-Cho, Chiba Prefecture (in front of railroad station)
   a. The nationality of the witness is Japanese
   b. He will testify with reference to the composition of 15 Cabinets since 1928 and the cause of the fall of each such Cabinet.

3. OKADA, Tadahiko - Naka-Cho, Azabau-Ku, Tokyo.
   a. The nationality of the witness is Japanese

PURL: http://www.legal-tools.org/doc/25fd2c/

b. He will testify to the operation of the Japanese constitution, the manner of the formation of cabinets, the formation and activities of political organizations and other important internal circumstances.

4. TAMURA, Kosaku, No. 1123 Kitazawa, 1 Chome, Setagaya-Ku, Tokyo.

a. The nationality of the witness is Japanese

b. He will testify on the universal aspirations of the Japanese people and the cardinal principles of Japanese diplomacy.

5. WAGATA, Yoshitada - No. 3 Kuki Zushi-Cho, City of Kanagawa.

a. The nationality of the witness is Japanese

b. This witness will testify as to the origin and meaning of the moving picture "Japan in Time of Emergency".

6. MURATA, Shozo -- Sugamo Prison

a. The nationality of the witness is Japanese

b. He will be able to testify regarding circumstances preparatory to the "Greater East Asia Conferences of 1943" and the conditions under which the various representatives attended the conferences.

7. YAMAMOTO, Kumaichi - No. 7 Shimo-Uma, 3 Chome, Setagaya-Ku, Tokyo.

a. The nationality of the witness is Japanese

b. He will be able to testify as to the origin and nature of "Greater East Asia Conferences" and that the speeches delivered were given freely and without compulsion.

8. INOUE, Takamaro - Zushi in the City of Yokosuka, Japan.

a. The nationality of the witness is Japanese

b. He will testify as to the true meaning of "Ko-do" and "Hakko-Ichiu" and their application.

9. TSUGITA, Daisabro - No. 41 Otsuka, Naka-Cho, Koishikawa, Ku, Tokyo.

a. The nationality of the witness is Japanese

b. He will testify regarding the Imperial Ordinances relative to the selection of War and Navy ministers.

PURL: http://www.legal-tools.org/doc/25fd2c/

10. ANDO, Kisaburo - Sugamo Prison

a. The nationality of the witness is Japanese

b. He will testify as to the formation and purpose of the Imperial Rule Assistance Association.

It is respectfully represented that all or most of the above named witnesses were requested under Paper No. 567, and that as they will be called to testify in Division I of the Defense that subpoenas be issued immediately for their production.

Submitted this 24th day of February 1947

TOJO, HIDEKI

By his Counsel

/s/KIyose, Ichiro
KIYOSE, ICHIRO

/s/George Francis Blewett
GEORGE FRANCIS BLEWETT

PURL: http://www.legal-tools.org/doc/25fd2c/

Paper No. 755
Disposes of
Oral Motion

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	ORDER:
	GRANTING WITHDRAWAL FROM
- vs -	THE FILES OF THE TRIBUNAL
	COURT EXHIBITS NOS. 2323,
ARAKI, Sadao; et al	2324, ET AL.

This matter coming on to be heard in open Court on this 4th day of March, 1947, upon the oral application of the Defense for an order of the Tribunal granting leave to withdraw from the files of the Tribunal, on the usual terms, the original documents comprising the respective Court Exhibits heretofore presented and marked for identification only, and from which documents excerpts have been introduced or offered in evidence, identified as Exhibits, ruled upon by the Tribunal, and filed with the Tribunal, which said original documents comprise bound volumes of newspapers, textbooks, law journals, and similar instruments, and are more particularly described as follows, to wit:

Court Exhibit No. 2323 --- League of Nations Official Journal, November-December 1939;

Court Exhibit No. 2324 --- Speeches by British leaders, published by the Foreign Ministry of Japan;

Court Exhibit No. 2330 --- A bound volume of various dates of the New York Times;

Court Exhibit No. 2331 --- A bound volume of various dates of the New York Times;

PURL: http://www.legal-tools.org/doc/7be460/

Court Exhibit No. 2333 --- A bound volume of various dates of the New York Times;

Court Exhibit No. 2335 --- Report presented to the Preliminary Peace Conference, dated 2° March 1919;

Court Exhibit No. 2339 --- Treaty between the United States of America and other nations governing protection of lives of neutrals, etc.;

Court Exhibit No. 2341 --- Inter-Parliamentary Group of Roumania, etc.;

Court Exhibit No. 2342 --- American Journal of International Law, October 1939;

said withdrawal of said documents being for the purpose of returning the same forthwith to the various governmental sources from whom they were secured; and, it appearing to the Tribunal that the withdrawal of these documents, as requested, will in no wise prejudice the rights of the accused or any of them, and no substantial injustice will result thereby to the said accused; and the Tribunal hearing the arguments of Counsel, and being fully advised in the premises, it is

ORDERED: That said application be and is hereby granted as prayed; and it is further

ORDERED: That Court Exhibits Nos. 2323, 2324, 2330, 2331, 2333, 2335, 2339, 2341 and 2342, be withdrawn from the files of the Tribunal forthwith and returned to the respective sources from whom they were secured, under the express term and condition, however, that said documents and each of them shall be returned to the Tribunal upon request, in the event either the Tribunal, or the Prosecution, or the Defense should desire them, or any of them, for the purposes of this trial.

PURL: http://www.legal-tools.org/doc/7be460/

Dated at Tokyo, Japan, this 6 March 1947.

BY THE TRIBUNAL:

(Signed) W. F. Webb
PRESIDENT

SITTING:

The Honorable Sir William Webb
The Honorable Mr. Justice McDougall
The Honorable Mr. Justice Mei
Lord Patrick
The Honorable Mr. Justice Bernard
The Honorable Mr. Justice Roling
Major General Myron C. Cramer
The Honorable Mr. Justice Northcroft
Major General of Justice I. M. Zaryanov
The Honorable Mr. Justice Pal
The Honorable Mr. Justice Jaranilla

PURL: http://www.legal-tools.org/doc/7be460/

Paper No. 801
Disposes of
Paper No. 745

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al) ORDER:
) GRANTING THE ISSUANCE OF
) SUMMONSES FOR 13 WITNESSES
- vs -) ON BEHALF OF THE ACCUSED
) ITAGAKI, OKAWA, MINAMI,
) UMEZU, AND HOSHINO, UPON
ARAKI, Sadao; et al) CERTAIN TERMS AND CONDITIONS

This matter coming on to be heard on this 20th day of March 1947, before The Honorable Sir William Webb, President of the Tribunal, upon the application of ITAGAKI, Seishiro, OKAWA, Shumei; MINAMI, Jiro; UMEZU, Yoshijiro; and HOSHINO, Naoki, five of the accused herein, by their respective Counsel of record, for the production of certain witnesses necessary to the defense of the said accused and each of them, in accordance with the provisions of Section III, Article 9, Paragraph (e) of the Charter, the names, nationality and present addresses of the said witnesses being fully set forth in said application, which is Paper No. 745; and after hearing the statements and arguments of Counsel for the said accused and for the Prosecution, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application as to each of the following named persons be granted, upon the terms and conditions, however, hereinafter set forth:

1. TAKEUCHI, Ayayoshi;

(a) The nationality of the witness is Japanese;

(b) His present address is Ogiya, Kamakura-shi,

PURL: http://www.legal-tools.org/doc/33b63e/

Kanagawa-ken, Japan;

2. YAMAGUCHI, Juji;

(a) The nationality of the witness is Japanese;

(b) His present address is No. 1007, Shimoshinden, Negatamura, Kimitsu-gun, Chiba, Japan;

3. SHIMAMOTO, Shoichi;

(a) The nationality of the witness is Japanese;

(b) His present address is No. 872, Nakajima, Mononobe, Sumotoshi, Hyogo-ken, Japan;

4. KAWABE, Torashiro;

(a) The nationality of the witness is Japanese;

(b) His present address is c/o Mr. Teizo Takano, No. 2 Nichome, Higashi Sotoboricho, Higashiku, Nagoyashi, Japan;

5. TAKEDA, Hisashi;

(a) The nationality of the witness is Japanese;

(b) His present address is No. 9215, Ina, Ina Machi, Kamiinagun, Naganoken, Japan;

6. NAKAMURA, Kotaro;

(a) The nationality of the witness is Japanese;

(b) His present address is No. 630, Aza Taira, Shimoyamaguchi, Hayamamachi, Miuragun, Kanagawaken, Japan;

7. KANAI, Shoji;

(a) The nationality of the witness is Japanese;

(b) His present address is 4376, Babacho, Uedashi, Naganoken, Japan;

8. ISHIMARU, Shigumaro;

(a) The nationality of the witness is Japanese;

PURL: http://www.legal-tools.org/doc/33b63e/

(b) His present address is No. 791, Unanecho, Setagayaku, Tokyo, Japan;

9. MATSUKI, Kyo;

(a) The nationality of the witness is Japanese;

(b) His present address is Yutagawa, Nishitagawa-gun Yamagataken, Japan;

10. ONODERA, Naosuke;

(a) The nationality of the witness is Japanese;

(b) His present address is c/o The Kameyama State Hospital, Beppu Shi, Oitaken, Japan;

11. TAKAMURA, Iwao;

(a) The nationality of the witness is Japanese;

(b) His present address is c/o Identification Section, Tokyo Metropolitan Police Board;

12. HAYASHIDE, Kenjiro;

(a) The nationality of the witness is Japanese;

(b) His present address is No. 371, Nichome, Kitagawa, Setagayaku, Tokyo, Japan;

13. KASHIWA, Toku;

(a) The nationality of the witness is Japanese;

(b) His present address is No. 102, Miyashitacho, Fukushimashi, Fukushimaken, Japan;

and that a summons be issued by the General Secretary of the Tribunal, commanding each of the said persons, to-wit; TAKEUCHI, Ayayoshi; YAMAGUCHI, Juji; SHIMAMOTO, Shoichi; KAWABE, Torashiro; TAKEDA, Hisashi; NAKAMURA, Kotaro; KANAI, Shoji; ISHIMARU, Shigumaro; MATSUKI, Kyo; ONODERA, Naosuke; TAKAMURA, Iwao; HAYASHIDE, Kenjiro; and KASHIWA, Toku, to attend and testify before said Tribunal as a witness for the accused ITAGAKI, Seishiro; OKAWA, Shumei; MINAMI, Jiro; UMEZU, Yoshijiro; and HOSHINO, Naoki, at a

PURL: http://www.legal-tools.org/doc/33b63e/

time indicated to the General Secretary of the Tribunal, by Counsel of record for the said accused, as a probable date when the witnesses will be actually required for interrogation by Counsel for the accused, and to give evidence; and it is further

ORDERED: That with the exception of the issuance of summons for the proposed witness KANAI, Shoji, the granting of the application and the issuance of summonses thereunder and pursuant thereto are upon the express terms and conditions that the evidence of each of the witnesses named and set forth in said application, shall be taken and reduced to writing in the form of an affidavit, and that copies of each of said affidavits, in the English language only, be served on the individual Judges of the Tribunal, at least three days before said evidence is given in Court, and said affidavits shall be tendered in evidence as the testimony in chief of the witness so giving it and in lieu of direct examination; and it is further

ORDERED: That the terms and conditions above set forth shall not apply to the proposed witness KANAI, Shoji, and summons shall be issued as to him without restriction.

Dated at Tokyo, Japan, this 15 April 1947.

BY THE TRIBUNAL:

(Signed) W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/33b63e/

Paper No. 802
Disposes of
Paper No. 796

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	) ORDER:
	) GRANTING WITHDRAWAL FROM
- vs -	) THE FILES OF THE
	) TRIBUNAL COURT EXHIBIT
ARAKI, Sadao; et al	) NO. 2361.

This matter coming on to be heard on this 26th day of March, 1947, before The Honorable Sir William Webb, President of the Tribunal, upon the application of the accused herein, by their Counsel of record, for an order of the Tribunal granting leave to withdraw from the files of the Tribunal, on the usual terms, the original document comprising Court Exhibit No. 2361 heretofore presented and marked for identification only, and from which document excerpts have been offered and received in evidence and identified as Court Exhibits Nos. 2361-A, 2361-B, and 2361-C respectively, which said original document, to-wit: Court Exhibit No. 2361, is more particularly described as follows:

> A book entitled "Government in Japan" by Charles B. Fahs, and published in the year 1940 by the International Secretariat of the Institute of Pacific Relations, New York City;

said withdrawal of said original document being for the purpose of returning the same forthwith to the source

PURL: http://www.legal-tools.org/doc/e7f052/

from which it had been secured; to-wit: The Head Librarian of the Ernie Pyle Library in Tokyo, Japan; and, it appearing to the Tribunal that the withdrawal of this document, Court Exhibit No. 2361 (for identification only) as requested, will in no wise prejudice the rights of the Prosecution or of the accused, or any of them, and no substantial injustice will result thereby to the said Prosecution or the said accused; and it further appearing to the Tribunal that the Prosecution has consented to the granting of this application and the withdrawal of said Exhibit, and

The Tribunal hearing the arguments of Counsel, and being fully advised in the premises, it is the decision of the Tribunal that said application be granted, as prayed, and it is

ORDERED: That said application be and is hereby granted, as prayed; and it is further

ORDERED: That Court Exhibit No. 2361 be withdrawn from the files of the Tribunal forthwith and returned to the source from which it was obtained, under the express term and condition, however, that said document shall be returned to the Tribunal upon request, in the event either the Tribunal, or the Prosecution, or the Defense should desire it for the purpose of this trial; and it is further

ORDERED: That the excerpts from Court Exhibit No. 2361, to-wit; Court Exhibits Nos. 2361-A, 2361-B, and 2361-C, shall remain in the files and records of the Tribunal, and that this order in no respect affects their

PURL: http://www.legal-tools.org/doc/e7f052/

present status.

Dated at Tokyo, Japan, this 26 March 1947.

BY THE TRIBUNAL:

/Sgd/ W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/e7f052/

Paper No. 839
Disposes of
Paper No. 805

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al - vs - ARAKI, Sadao; et al	ORDER: GRANTING WITHDRAWAL FROM THE FILES OF THE TRIBUNAL OF COURT EXHIBIT NO. 2319

This matter coming on to be heard this 9th day of April, 1947, before The Honorable Sir William Webb, President of the Tribunal, upon the application of the defense, for an order of the Tribunal granting leave to withdraw from the office of the Tribunal the original documents comprising Court Exhibit No. 2319, heretofore presented and marked, for identification only, and from which document excerpts have been offered and received in evidence and identified as Court Exhibits Nos. 2319-A, 2319-B, 2319-C, 2319-D, 2319-E, 2319-F, 2319-G, and 2319-H respectively, which said original document, to wit: Court Exhibit No. 2319, is more particularly described as follows:

A book entitled
"Collection of Treaties 1922
Volume No. 1
Conference at Washington 1921-1922
Treaties and Resolutions
Appendices"

said book being printed in French, English and Japanese, the withdrawal of said original document being for the purpose of

PURL: http://www.legal-tools.org/doc/a4449f/

inclusive, shall remain in the files and records of the Tribunal, and that this order in no respect affects their present status.

Dated at Tokyo, Japan, this 14 April 1947.

BY THE TRIBUNAL:

/s/ W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/a4449f/

Paper No. 844
Disposes of
Oral Motion for
Recess

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al -vs- ARAKI, Sadao; et al	) ORDER: GRANTING) APPLICATION OF THE ACCUSED) FOR A RECESS UPON SPECIFIED) TERMS AND CONDITIONS.).

This matter coming on for further hearing and consideration by the Tribunal, in Open Court, on this 25th day of March, 1947, upon the oral application of all the Accused, by their respective Counsel of record, for an order of the Tribunal to adjourn the sitting of the Tribunal and the holding of Court for such a period of time as the Tribunal might designate, for the purpose of allowing a further period within which the Accused might prepare their defense; and the Tribunal hearing the arguments of Counsel, and being fully advised in the premises, it is the decision of a majority of the Justices of the Tribunal and

ORDERED: That the Tribunal will recess for a period of seven days, commencing on the 26th day of March, 1947; and the Tribunal will reconvene on Wednesday, the 2nd day of April, 1947, at 0930 hours. And it is further

PURL: http://www.legal-tools.org/doc/14bfb8/

ORDERED: That future witnesses for the Defense will give evidence on affidavits.

Dated at Tokyo, Japan, this 16 April 1947.

BY THE TRIBUNAL:

/s/ W. F. WEBB
PRESIDENT

SITTING:

The Honorable Sir William Webb
The Honorable Mr. Justice McDougall
The Honorable Mr. Justice Roling
Lord Patrick
The Honorable Mr. Justice Mei
Major General of Justice Zaryanov
Major General Cramer
The Honorable Mr. Justice Northcroft
The Honorable Mr. Justice Bernard
The Honorable Mr. Justice Pal

NOT SITTING:

The Honorable Mr. Justice Jaranilla

PURL: http://www.legal...s.org/doc/14bfb8/

Paper No. 876
Disposes of
Paper No. 851

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA: et al - vs - ARAKI, SADAO: et al	ORDER: GRANTING APPLICATION OF THE ACCUSED, KIMURA, FOR THE ISSUANCE OF SUMMONS FOR WITNESS ON HIS BEHALF.

This matter coming on to be heard on this 21st day of April, 1947, before the Honorable Sir William Webb, President of the Tribunal, upon the application of KUMURA, Heitari, one of the defendants herein, for the production of a witness necessary to the defense of said KIMURA, Heitaro, in accordance with the provisions of Article 9(e) of the Charter, the name of the witness being fully set forth in said application which is Paper No. 851, and after hearing the statements and arguments of counsel for the said KIMURA, Heitaro, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application as to the following named person be granted as prayed:

1. LT. GENERAL ALFRED KRETSCHMER
   (a) The nationality of the witness is German;
   (b) The witness is now living at the Kanko Hotel, Atami, Japan;

and that a summons be issued by the General Secretary of the

PURL: http://www.legal-tools.org/doc/15c5ee/

Tribunal commanding said Alfred Kretschmer to attend and testify before said Tribunal as a witness for the accused KIMURA, Heitaro, at a time indicated to the Secretary General of the Tribunal by the counsel of record for said accused as a probable date when the attendance of the witness before the Tribunal will be required; and it is further

ORDERED: That the said witness, Alfred Kretschmer, remain in Japan until his testimony has been received by the Tribunal and he has been excused by the Tribunal from further attendance, and that every facility and assistance be provided to insure the presence of said witness at the time his attendance before the Tribunal to testify may be required.

Dated at Tokyo, Japan, this 24th day of April 1947.

BY THE TRIBUNAL:

(Signed) W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/15c5ee/

Paper No. 877
Disposes of
Oral Application

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA: et al

- vs -

ARAKI, Sadao; et al

) ORDER:
) GRANTING ORAL APPLICATION
) OF COUNSEL FOR THE ACCUSED
) SHIGEMITSU TO SUBMIT WRITTEN
) STATEMENT AND WRITTEN INTER-
) ROGATORIES OF CERTAIN WIT-
) NESSES, AND GRANTING PROSE-
) CUTION RIGHT TO SUBMIT CROSS-
) INTERROGATORIES TO SAID
) WITNESSES.

This matter coming on to be heard on this 3rd day of April, 1947, before The Honorable Sir William Webb, President of the Tribunal, upon the oral application of Mr. George A. Furness, counsel for the accused SHIGEMITSU, Miamoru, to take the testimony of the following named persons as witnesses for said accused:

1. MORRIS LORD HANKEY, P.C., G.C.B., G.C.M.G., G.C.V.O.
   (a) The nationality of the witness is British.
   (b) The witness is under the jurisdiction of the British Foreign Office.
   (c) His residence is: Highstead, Limpsfield, Surrey, England.
   (d) His business address is: The Treasury, Whitehall, London, England.

2. SIR GEORGE SANSOM, K.C.M.G..
   (a) The nationality of the witness is British.

PURL: http://www.legal-tools.org/doc/53990e/

(b) The witness is attached to the British Embassy in Washington.

(c) His residence is: 1717 20th Street, N.W., Washington, D. C.

3. RT. HON. SIR ROBERT LESLIE CRAIGIE, G.C.M.G., C.B.

(a) The nationality of the witness is British.

(b) His residence is: Possingworth Manor, near Uckfield Sussex, England.

(c) His business address is: United Nations War Crimes Commission, Lansdowne House, Berkeley Square, London, England;

and it appearing to the Tribunal that the testimony of said witness is necessary to the proper defense of said accused, and that none of said witnesses are presently in the occupied zone of Japan, and that their presence before the Tribunal can only be secured with great sacrifice and inconvenience to said witnesses, and that if they are required to come to Japan the time expended in traveling to and from Japan will interfere with the performance of the urgent and responsible duties in which they are now engaged, and it further appearing to the Tribunal that the exact time when their presence before the Tribunal for the purposes of giving testimony cannot at this time be accurately foretold, and the Tribunal having heard the statements and arguments of counsel for the accused, SHIGEMITSU, and the Prosecution, and being fully advised in the premises, it is

PURL: http://www.legal-tools.org/doc/53990e/

ORDERED: That counsel for the accused, SHIGEMITSU, may submit the testimony of the witness Lord Hankey to him in the form of a statement for his identification and verification, and may also submit written interrogatories to said witness for his answers thereto; and it is further

ORDERED: That counsel for the accused, SHIGEMITSU, may submit written interrogatories to the said Sir George Sansom and the Rt. Hon. Sir Robert Leslie Craigie for their answers thereto; and it is further

ORDERED: That the Prosecution may submit cross-interrogatories to all of said witnesses for their answers thereto; and it is further

ORDERED: That every facility be afforded to counsel for the accused, SHIGEMITSU, and the Prosecution in securing the submission of said affidavit, interrogatories and cross-interrogatories and the answers of the witnesses thereto.

Dated at Tokyo, Japan, this 24th day of April 1947.

BY THE TRIBUNAL:

(Signed) W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/53990e/

Paper No. 885
Disposes of an
Oral Application

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al

- vs -

ARAKI, Sadao; et al

COMMISSION TO TAKE THE DEPOSITION
OF ISHIHARA, Kanji

The defense having offered in evidence the affidavit of ISHIHARA, Kanji, together with a verified certificate executed by HASUMI, Kiichiro, attending physician, certifying that said ISHIHARA is suffering from a serious disease and unable to attend this trial and give his testimony in person and, the prosecution objecting to the giving in evidence of the testimony of the said ISHIHARA without opportunity to cross examine him at the time, it also appearing that the said ISHIHARA is now at the town of Fukuura situated more than 300 miles north of Tokyo, it is, therefore, duly considered by this Tribunal that the evidence of the said ISHIHARA should be taken by deposition before one of the members of this Tribunal as commissioner.

It is ordered that the deposition of the witness ISHIHARA, Kanji, be taken before the Honorable Mr. Justice Northcroft, a member of this Tribunal, as commissioner so to do, at the town of Fukuura, Japan, on the 30th day of April, 1947, at the hour of 9 o'clock a.m. or as soon there-

PURL: http://www.legal-tools.org/doc/1129ad/

after as the said commission may determine, and from day to day and hour to hour thereafter until completed, and the Honorable Mr. Justice Northcroft is hereby designated and appointed as commissioner before whom said deposition shall be taken;

that a sufficient number of court reporters of this Tribunal, with the assistance of interpreters of this Tribunal, shall record the testimony given, and that said deposition when taken, transcribed and translated, shall be filed with the Secretariat of this Tribunal.

Further that the Secretariat of this Tribunal is directed to make the necessary arrangement for transportation and subsistence of the members of the party journeying to the place mentioned to take deposition, which party shall include, in addition to those mentioned above, counsel for the prosecution and the defense, and whatever additional personnel the Secretary may find necessary in the administration of the journey.

Dated this 25th day of April 1947 at Tokyo, Japan.

/s/ W.F. WEBB
PRESIDENT

PURL: http://www.legal-tools.org/doc/1129ad/

Paper No. 886
Disposes of
Paper No. 883

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

At Tokyo, Japan

Case No. 1

THE UNITED STATES OF AMERICA, et al	ORDER:
	FOR THE ISSUANCE OF
- vs -	SUMMONSES FOR
	WITNESSES FOR
ARAKI, Sadao, et al	THE DEFENSE

This matter coming on to be heard on this 25th day of April, 1947, before The Honorable Sir William Webb, President of the Tribunal, upon the application of Aristides G. Lazarus, Chairman of Defense Counsel Committee for the China Phase, for the production of witnesses necessary to the presentation of the China phase of the defense, in accordance with the provisions of Article 9(e) of the Charter, the names of the witnesses being fully set forth in said application, which is Paper No. 883, and after hearing the statements and arguments of Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application as to each of the following named persons be granted as prayed:

1. HATANO Konichi
   (a) The nationality of the witness is Japanese;
   (b) The present address of the witness is 45 1-Chome, Nozawamachi, Setagaya, Tokyo;

PURL: http://www.legal-tools.org/doc/8927e3/

2. OTSUKA Reizo

(a) The nationality of the witness is Japanese

(b) The present address of the witness is Tsurushiro, Nishiomachi, Hatazu-gun, Aichi Prefecture;

and that summonses be issued by the General Secretary of the Tribunal, commanding each of said persons, to wit: HATANO Konichi and OTSUKA Reizo to attend forthwith and testify before said Tribunal as a witness for the Defense.

Dated at Tokyo, Japan, this 25th day of April, 1947.

BY THE TRIBUNAL:

/s/ W. F. WEBB
President.

PURL: http://www.legal-tools.org/doc/8927e3/

Paper No. 892
Disposes of
Paper No. 604

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

At Tokyo, Japan

Case No. 1

THE UNITED STATES OF AMERICA, et al
- vs -
ARAKI, Sadao, et al

ORDER
WITH REFERENCE TO
OKAWA, SHUMEI

This matter coming on to be heard on this 10th day of April 1947, before The Tribunal, upon the application of the Prosecution, for an order directing that the accused OKAWA, Shumei be further examined as to his mental and physical condition by competent examiners, and that reports be made setting forth the results thereof (which application is Paper No. 604), and upon the previous order of The Tribunal (which is Paper No. 618) granting the prior said application and directing that the said accused OKAWA, Shumei be further examined by two competent medical psychiatrists, one selected by the Prosecution and the other by counsel of record for the accused OKAWA, Shumei, and that immediately after the examination each of said psychiatrists file a separate report with the President of The Tribunal, and The Tribunal having received and examined the reports of two psychiatrists, one selected by the Prosecution and the other by counsel of record for the accused OKAWA, Shumei, which examinations were made in compliance with the former order of this Tribunal (Paper No. 618), which reports advise that

PURL: http://www.legal-tools.org/doc/bd3400/

examinations have been made of the physical and mental condition of said OKAWA, Shumei as ordered, and report the nature and extent of the examinations conducted by said examiners and their respective findings and conclusions based upon said examination, and The Tribunal having considered the reports of said medical experts dated the 23rd day of February 1947 and the 13th day of March 1947, and being fully advised in the premises, and The Tribunal not being satisfied that the said accused OKAWA, Shumei has yet recovered the intellectual capacity and judgment to make him capable of standing trial and of conducting his defense, and the said accused not having pleaded to the charges and having been unable during the proceedings to instruct his counsel effectively, doth

ORDER: That against the said OKAWA, Shumei, no further proceedings be taken at this trial on the Indictment herein, and that he be kept in custody subject to such order as may be issued by the Supreme Commander for the Allied Powers, and that the present order shall not preclude or prevent the trial of the said accused at a later date before a competent tribunal on the charges contained in the said Indictment or on any other charges.

Dated at Tokyo, Japan, this 28th day of April 1947.

BY THE TRIBUNAL:

/s/ W. F. WEBB
PRESIDENT.

PURL: http://www.legal-tools.org/doc/bd3400/

Sitting:

The Honorable Sir William Webb
The Honorable Mr. Justice McDougall
The Honorable Mr. Justice Mei
Lord Patrick
The Honorable Mr. Justice Bernard
The Honorable Mr. Justice Roling
Major General Myron C. Cramer
The Honorable Mr. Justice Northcroft
Major General of Justice I. M. Zaryanov
The Honorable Mr. Justice Pal
The Honorable Mr. Justice Jaranilla

PURL: http://www.legal-tools.org/doc/bd3400/

Paper No. 899
Disposes of
Paper No. 878

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al - vs - ARAKI, SADAO, et al	ORDER: GRANTING APPLICATION OF DEFENSE COUNSEL TO INTERROGATE AND SECURE TESTIMONY OF A WITNESS FOR THE DEFENSE AND ORDERING THAT FACILITIES BE PROVIDED.

This matter coming on to be heard on this 28th day of April 1947, before The Honorable Sir William Webb, President of the Tribunal, upon the application of the Chairman of the Defense Counsel Committee for the Russian Phase, for the production of a certain witness necessary to the presentation of that phase of the case in accordance with the provisions of Article 9(e) of the Charter, the name of said witness being fully set forth in the said application which is Paper No. 878, and after hearing statements and arguments of counsel for the defense, and the Tribunal being fully advised in the premises, it is

ORDERED: That counsel for the defense may interrogate the following named person as a witness for the defense, submit his testimony to him in the form of an affidavit for his identification and verification, and may also submit written interrogatories to said witness for his answers thereto:

1. JOHN R. DEANE, Major-General U.S.A. (Retired)

(a) The nationality of the witness is American;

PURL: http://www.legal-tools.org/doc/25c497/

(b) The present address of the witness is unknown, but it is believed to be New York City, N. Y.

and it is further

ORDERED: That every facility be afforded counsel for the defense in effecting the interrogation of said witness, the submission to him of his affidavit for his verification, and the submission of written interrogatories to him and the securing of his answers thereto.

Dated at Tokyo, Japan, this 29th day of April 1947.

BY THE TRIBUNAL:

/s/ W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/25c497/

Paper No. 900
Disposes of
Oral Application

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	) ORDER:
	) PROVIDING FOR
	) REGISTER OF DOCUMENTS
- vs -	) OFFERED IN EVIDENCE
	) AND REJECTED BY
	) THE TRIBUNAL.
ARAKI, Sadao, et al	)

This matter coming on to be heard on this 24th day of April 1947, before The Honorable Sir William Webb, President of the Tribunal, upon the oral application of counsel for the defense that documents offered in evidence, which the Tribunal has rejected and may reject in the further hearing of this case, be marked with an identifying number, and that the original documents be retained and preserved in the Office of the Clerk of the Tribunal and made a part of the permanent record of this case, and the Tribunal having heard the statements and arguments of counsel for the Prosecution and the Defense and being fully advised in the premises, it is

ORDERED: That the Prosecution and the Defense shall each deliver to the Clerk of the Tribunal the originals of all documents that they have offered in evidence and which have been rejected by the Tribunal from admission into evidence, arranged chronologically in the order of their rejection; and it is further

ORDERED: That the Clerk of the Tribunal give each

PURL: http://www.legal-tools.org/doc/685911/

of said documents and the documents hereafter rejected a distinct and identifying number or designation, that the Clerk set up a separate register and enter therein the number or designation of each rejected document together with a summary of the contents of said document, which summary shall consist of the explanation of the contents of said document made in open court by the counsel who offers said document at the time the same is offered in evidence, and that said register be made part of the record of this case, and it is further

ORDERED: That the originals of said rejected documents be preserved and kept by the Clerk of the Tribunal in the files of his office.

Dated at Tokyo, Japan, this 1st day of May 1947.

BY THE TRIBUNAL:

(Signed) W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/685911/

Paper No. 914
Disposes of
Paper No. 884

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al - vs - ARAKI, Sadao; et al.	ORDER: FOR THE PRODUCTION OF WITNESS REQUESTED BY THE ACCUSED, MUTO, AKIRA

This matter coming on to be heard on this 1st day of May, 1947, before The Honorable Sir William Webb, President of the Tribunal, upon the application of MUTO, Akira, one of the defendants herein, for the production of a witness necessary to the defense of said MUTO, Akira, in accordance with Section III, Article 9 (e) of the Charter, the name of said witness being fully set forth in said application which is Paper No. 88t, and after hearing the statements and arguments of counsel for the said MUTO, Akira, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application as to the following named witness be granted as prayed:

1. KOSHI, SABURO

   (a) The nationality of the witness is Japanese

   (b) The present address of the witness is
   c/o Mr. Tomiyasu
   1110 Nishi-Uzumi-Bashi,
   Matsumoto City,
   Nagano Prefecture;

and that said witness be produced or required to present himself at the office of the General Secretary of the Tribunal in Tokyo forthwith for the purpose of interrogation of said

PURL: http://www.legal-tools.org/doc/198ed8/

witness by counsel, and to permit the affidavit of said witness to be prepared and taken in the event his presence should be required at a later date to testify before the Tribunal on behalf of said accused, MUTO.

Dated at Tokyo, Japan, this 2nd day of May, 1947.

BY THE TRIBUNAL:

(signed) W.F. WEBB
PRESIDENT

PURL: http://www.legal-tools.org/doc/198ed8/

Paper No. 915
Disposes of
Paper No. 893

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et	) ORDER: GRANTING THE
	) APPLICATION OF THE
- vs -	) ACCUSED UMEZU FOR THE
	) PRODUCTION OF A
ARAKI, Sadao; et al	) WITNESS

This matter coming on to be heard on this 1st day of May 1947, before The Honorable Sir William Webb, President of the Tribunal, upon the application of UMEZU, Yoshijiro, one of the defendants herein, for the production of a witness necessary to the defense of said UMEZU, Yoshijiro, in accordance with the provisions of Section III, Article 9(e) of the Charter, the name of said witness being fully set forth in said application which is Paper No. 893, and after hearing the statements and arguments and counsel for the said UMEZU, Yoshijiro, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application as to the following named witness be granted as prayed:

1. MR. H. G. W. WOODHEAD

   (a) The nationality of the witness is British;

   (b) The present address of the witness is unknown but he is understood to be connected with a newspaper published in the British Crown Colony of Hongkong;

and that a summons be issued by the General Secretary of the

PURL: http://www.legal-tools.org/doc/94e562/

Tribunal, commanding said H. G. W. Woodhead to attend forthwith for interrogation by and consultation with counsel for the accused, UMEZU, and to testify before said Tribunal as a witness for the accused, UMEZU, at such time thereafter as his testimony may be required and heard; and it is further

ORDERED: That every facility and assistance be provided to counsel for the accused, UMEZU, to consult with and interrogate said witness.

Dated at Tokyo, Japan, this 2nd day of May 1947.

BY THE TRIBUNAL:

(signed) W.F. WEBB
PRESIDENT

PURL: http://www.legal-tools.org/doc/94e562/

Paper No. 953.
Disposes of
Paper No. 951 and
Paper No. 722.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	ORDER FOR THE ISSUANCE OF A SUBPOENA FOR A WITNESS REQUESTED BY ACCUSED KIMURA.
- vs -	
ARAKI, Sadao, et al	

This matter coming on to be heard this 14th day of May 1947, before The Honorable Sir William Webb, President of the Tribunal, upon the supplemental application of KIMURA, Heitaro, one of the defendants herein, for the issuance of a subpoena for Lieut. General TANAKA, Nobuo, the application being Paper No. 951 and supplemental to the original application of the defendant KIMURA, Heitaro for the production of a witness necessary to his defense, in accordance with the provisions of Section III, Article 9(e) of the Charter, which original application is Paper No. 722 and upon the hearing of which the Tribunal issued an order (Paper No. 727) that facilities and assistance be provided to counsel for the accused KIMURA to interrogate the said witness, Lieut. General TANAKA, and that the application of the accused for the issuance of a subpoena be indefinitely continued awaiting results and disclosures of the interrogations authorized and ordered, and granted permission to file a supplemental application for the issuance of a sub-

PURL: http://www.legal-tools.org/doc/db0e85/

poena for said witness should it be found necessary to the proper defense of the accused as a result of said interrogations, and after hearing the statements and arguments of counsel for said KIMURA, Heitaro, and being fully advised in the premises, it is

ORDERED: That said supplemental application as to the following named person is granted as prayed:

LIEUT. GENERAL TANAKA, Nobuo

(a) The Nationality of the witness is Japanese;

(b) The witness is in Rangoon in custody of the British Army;

and that a summons be issued by the Secretary General of the Tribunal commanding said witness, Lieut. General TANAKA, Nobuo, to attend forthwith and testify before said Tribunal as a witness on behalf of the accused KIMURA, Heitaro.

Dated at Tokyo, Japan, this 14th day of May 1947.

BY THE TRIBUNAL:

(signed) W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/db0e85/

Paper No. 958
Disposes of
Paper No. 957

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	ORDER: FOR THE PRODUCTION OF WITNESSES REQUESTED BY THE ACCUSED, TOGO, Shigenori
- vs -	
ARAKI, Sadao, et al	

This matter coming on to be heard on this 15th day of May 1947, before The Honorable Sir William Webb, President of the Tribunal, upon the application of TOGO, Shigenori, one of the defendants herein, for the production of witnesses necessary to the defense of said TOGO, Shigenori, in accordance with Section III, Article 9(e) of the Charter, the names of said witnesses being fully set forth in said application which is Paper No. 957, and after hearing the statements and arguments of counsel for the said TOGO, Shigenori, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application as to the following named witnesses be granted as prayed:

1. TAKEUCHI, Ryuji

   (a) The nationality of the witness is Japanese;

   (b) The present address of the witness is Sapporo, where he is Chief of the Central Liaison Office;

2. NISHIMURA, Kumao

   (a) The nationality of the witness is Japanese;

   (b) The present address of the witness is Tokyo;

PURL: http://www.legal-tools.org/doc/da7d69/

Paper No. 962
Disposes of
Paper No. 952

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al - vs - ARAKI, Sadao; et al	ORDER: FOR THE PRODUCTION OF WITNESS REQUESTED BY THE ACCUSED TOGO, Shigenori

This matter coming on to be heard on this 14th day of May 1947, before The Honorable Sir William Webb, President of the Tribunal, upon the application of TOGO Shigenori, one of the defendants herein, for the production of a witness necessary to the defense of said TOGO, Shigenori, in accordance with Section III, Article 9(e) of the Charter, the name of said witness being fully set forth in said application which is Paper No. 952, and after hearing the statements and arguments of counsel for the said TOGO, Shigenori, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application as to the following named witness be granted as prayed:

1. SATO, Naotake

   (a) The nationality of the witness is Japanese

   (b) The present address of the witness is Tokyo;

and that said witness be produced or required to present himself at the office of the General Secretary of the

PURL: http://www.legal-tools.org/doc/abeaba/

and that said witnesses be produced or required to present themselves at the office of the General Secretary of the Tribunal in Tokyo forthwith for the purpose of interrogation by and consultation with counsel for the accused TOGO, Shigenori.

Dated at Tokyo, Japan, this 15th day of May 1947.

BY THE TRIBUNAL:

(Signed) W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/abeaba/

Paper No. 962
Disposes of
Paper No. 952

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al - vs - ARAKI, Sadao; et al	ORDER: FOR THE PRODUCTION OF WITNESS REQUESTED BY THE ACCUSED TOGO, Shigenori

This matter coming on to be heard on this 14th day of May 1947, before The Honorable Sir William Webb, President of the Tribunal, upon the application of TOGO Shigenori, one of the defendants herein, for the production of a witness necessary to the defense of said TOGO, Shigenori, in accordance with Section III, Article 9(e) of the Charter, the name of said witness being fully set forth in said application which is Paper No. 952, and after hearing the statements and arguments of counsel for the said TOGO, Shigenori, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application as to the following named witness be granted as prayed:

1. SATO, Naotake

   (a) The nationality of the witness is Japanese

   (b) The present address of the witness is Tokyo;

and that said witness be produced or required to present himself at the office of the General Secretary of the

PURL: http://www.legal-tools.org/doc/b6a725/

Tribunal in Tokyo forthwith for the purpose of interrogation by and consultation with counsel for the accused TOGO, Shigenori.

Dated at Tokyo, Japan, this 16th day of May 1947.

BY THE TRIBUNAL:

(signed) W.F. WEBB
PRESIDENT

PURL: http://www.legal-tools.org/doc/b6a725/

Paper No. 963
Disposes of
Paper No. 960

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	ORDER, FOR THE PRODUCTION OF DOCUMENTS ON BEHALF OF THE ACCUSED MINAMI, Jiro UNDER THE CHARTER
- vs -	
ARAKI, Sadao; et al	

This matter coming on to be heard on this 16th day of May 1947, before The Honorable Sir William Webb, President of the Tribunal, upon the application of MINAMI, Jiro, one of the defendants herein, for the production of documents necessary to the defense of said MINAMI, Jiro, in accordance with the provisions of Section III, Article 9, Paragraph (e) of the Charter, the description of the documents being fully set forth in said application which is Paper No. 960, and after hearing the statements and arguments of counsel for the said MINAMI, Jiro, and the Tribunal being fully advised in the premises, it is

ORDERED: That the application of the accused for the production of documents is granted as prayed, and that the following documents which may be located at the place or in the custody of Central Intelligence Group, 14th and "L" Street, Washington, D. C., or Washington Document Center, Stuart Building, 5th and "K" Street, Washington, D. C., or their successors as Depositories of said documents, be procured forthwith and lodged with the Registry of the Tribunal:

PURL: http://www.legal-tools.org/doc/680122/

Crate No.	Item No.	Description
44	11	"File of Permanent Records", 1931, non-classified, 10 vols. (out of undetermined number of a series). (Note: R.D. 15, shipped to W.D.C. 1 May '46 as per letter from Document Section, ATIS, GHQ - ADVON - APO 500, Dated 23 April, '46).
146	102	"File of un-classified Correspondence & Records Dealing with Manchurian Affairs", 1931, 2 vols. (parts 1 & 3 out of a series of 3). (Note: R.D. 35 see letter 24 April '46 from Document Section, ATIS).
61, 121 96 & 140	163	"File of classified Correspondence & Records Dealing with Manchurian Affairs", 1931, 1 vol. (Note: R.D. 21, letter of 23 April '46).
43	205	"File of Permanent Records", 1931, non-classified, 5 Vols. (Note: R.D. 35, letter 24 April '46).

Also:

The Great Diary, 1931, Vol. B., Section 3, (Dai Nikki, Otsu Shu, San Rui)

The Secret Great Diary, 1931, (Mitsu Dai Nikki, The Military Secret

Great Diary, 1931 (Riku Ki Mitsu Dai Nikki), and Army Manchuria Secret

Great Diary, 1931 & 1932 (Riku Man Mitsu Dai Nikki)

Telegraphic instructions given by General Minami, War Minister in 1931, to the Kwantung Army (to be found in the Japanese War Ministry File No. 121, called "Riku-Man Mitsu Dai-Nikki", meaning "Army-Manchuria-Secret-Great-Diary" for 1931 & 1932).

(1) Sept. 19th

Riku-Den (Army-Telegram) No. 204. From War Minister to Commander of Kwantung Army re non-expanstion policy.

(2) Sept. 20th

Telegram No. unknown. From War Minister to Commander of Kwantung Army re rumours of the Mukden Incident.

(3) Sept. 22nd

Riku-Den No. 213. From War Minister to Commander of Kwantung Army re prohibition of military administration.

PURL: http://www.legal-tools.org/doc/680122/

(4) Sept. 24th

Kan-San (Kwantung Army Staff) No. 408. From Chief of Staff, Kwantung Army, to Vice-Minister of War Ministry, in reply to the above telegram No. 213.

(5) Sept. 24th

Riku-Man-Den (Army-Manchuria-Telegram) No. 17. From War Minister to Commander of Kwantung Army, prohibiting despatch of troops to Harbin.

(6) Riku-Man-Den No. 20. To the same effect as above telegram No. 17.

(7) Sept. 24th

Riku-Man-Den No. 31. From War Minister to Commander of Kwantung Army, requesting cooperation between army and diplomatic organs on the spot.

(8) Sept. 24th

Kan-San No. 478. From Chief of Staff, Kwantung Army, to Vice-Minister of War Ministry, in reply to the above telegram No. 21.

(9) Sept. 26th

Riku-Man-Den No. 35. From War Minister to Commander of Kwantung Army, prohibiting participation with new regime movements.

(10) Sept. 26th

Riku-Man-Den No. 37. From Vice-Minister to Chief of Staff, Kwantung Army, re rumours of irresponsible conducts of some Japanese.

(11) Sept. 29th

Riku-Man-Den No. 50. From War Minister to Commander of Kwantung Army, re rumour of restoration movements of Pu Yi.

(12) Oct. 14-15th

Telegram No. unknown. From Vice-Minister to Chief of Staff, Kwantung Army, reprimanding bombing of Chinchow.

(13) Oct. 17th

Riku-Man-Den No. 109. From War Minister to Commander of Kwantung Army, re rumour of severance of Kwantung Army from Japan.

(14) Oct. 28th

Telegram No. unknown. From Vice-Minister to Chief of Staff Kwantung Army, re diplomatic negotiations with Ma Chan-Shan.

PURL: http://www.legal-tools.org/doc/680122/

(15) Nov. 16th

Riku-Man-Den No. 221. From War Minister to Commander of Kwantung Army, cautioning restoration movements of Pu Yi.

(16) Nov. 16th

Riku-Man Den No. 223. From War Minister to Commander of Kwantung Army, re publication of Government statement concerning attack on Ma Chan-Shan.

(17) Nov. 18th

Riku-Man-Den No. 247. From War Minister to Commander of Kwantung Army, prohibiting occupation of Tsitsihar.

(18) Nov. 18th

Riku-Man-Den No. 246. From Vice-Minister to Chief of Staff, Kwantung Army, advising to let Chinese preserve their own peace and order in Tsitsihar district.

(19) Nov. 28th

Riku-Man-Den Nos. 286 & 294. From War Minister to Commander of Kwantung Army, re diplomatic negotiations with Chang Hsuch-liang concerning evacuation from Chinchow district.

(20) Dec. 3rd

Kan-San-Man No. 470. From Commander of Kwantung Army to War Minister and Chief of General Staff, re dispatching a military emissary to Chinchow.

(21) Dec. 4th

Riku-Man-Den No. 319. From War Minister to Commander of Kwantung Army in reply to the above.

(22) Dec. 4th

Riku-Man-Den No. 325. From War Minister to Commander of Kwantung Army re neutral zone in Chinchow district.

(23) Dec. 7th

Riku-Man-Den No. 339. From War Minister to Commander of Kwantung Army re policy of maintaining peace and order in Chinchow district.

Dated at Tokyo, Japan, this 16th day of May 1947.

BY THE TRIBUNAL:

(signed) W.F. WEBB
PRESIDENT

PURL: http://www.legal-tools.org/doc/680122/

Paper No. 964
Disposes of
Paper No. 959

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	ORDER: FOR THE PRODUCTION OF DOCUMENTS ON BEHALF OF THE ACCUSED, SATO, Kenryo UNDER THE CHARTER
- vs -	
ARAKI, Sadao; et al	

This matter coming on to be heard on this 16th day of May 1947, before The Honorable Sir William Webb, President of the Tribunal, upon the application of SATO, Kenryo, one of the defendants herein, for the production of documents necessary to the defense of said SATO, Kenryo, in accordance with the provisions of Section III, Article 9, Paragraph (e) of the Charter, the description of the documents being fully set forth in said application which is Paper No. 959, and after hearing the statements and arguments of counsel for the said SATO, Kenryo, and the Tribunal being fully advised in the premises, it is

ORDERED: That the application of the accused for the production of documents is granted as prayed, and that the following documents which may be located at the place or in the custody of Central Intelligence Group, 14th and "L" Street, Washington, D.C., or Washington Document Center, Stuart Building, 5th and "K" Street, Washington, D. C,, or their successors as Depositories of said documents, be procured forthwith and lodged with the Registry of the Tribunal:

PURL: http://www.legal-tools.org/doc/5a572e/

Crate No.	Items No.	Description
650	43	File of non-classified correspondence and records dealing with China Affairs, 1942 (3 bundles). (Note--Returned Document No. 41 as per letter 24 Apr 46 from Doc. Sect. ATIS)
?	379	File of miscellaneous correspondence and records of War Ministry, 1940-1942. (1 bundle). (R.D. 52 on letter 14 June 46 and R.D. 68 on letter 25 July 46)

Dated at Tokyo, Japan, this 16th day of May 1947.

BY THE TRIBUNAL:

(signed) W.F. WEBB
PRESIDENT

PURL: http://www.legal-tools.org/doc/5a572e/

Paper No. 966
Disposes of
Oral Application

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	) ORDER
	) FOR THE PRODUCTION
	) OF PROSPECTIVE
- vs -	) WITNESSES FOR THE
	) ACCUSED, FOR THE
	) PURPOSE OF
ARAKI, Sadao, et al	) INTERROGATION

This matter coming on to be heard this 14th day of May 1947, before The Honorable Sir William Webb, President of the Tribunal, upon the oral application of counsel for the defense, for an order directing that prospective witnesses for the accused, now or hereafter confined in Sugamo Prison, be produced at the Court House of the International Tribunal for the Far East, at such times as their presence is required for the purpose of being interrogated by counsel for the accused to determine if their testimony will be required on behalf of the defense, and the Tribunal having heard the statements and arguments of counsel, and being fully advised in the premises, it is

ORDERED: That any person who is now or hereafter may be in the custody of the authorities of Sugamo Prison and whose interrogation is desired by counsel for any of the accused in this trial shall, upon sufficient and adequate notice in writing given to the General Secretary of the Tribunal by counsel requesting the production of said person at the Court House of the

PURL: http://www.legal-tools.org/doc/d7e723/

Tribunal, which notice shall set forth

(1) The name of the person desired to be interrogated;

(2) That said person is presently confined in Sugamo Prison;

(3) The date and time when the presence of such person at the Court House of the Tribunal will be required by counsel;

be produced at the Court House of the International Military Tribunal for the Far East, and that facilities be provided to permit his interrogation by counsel; and it is further

ORDERED: That the provisions of this order shall be subject to all requirements of security imposed by the Supreme Commander Allied Powers and those persons acting under his authority and in his behalf and charged with the responsibility of providing and maintaining security.

Dated at Tokyo, Japan, this 19th day of May 1947.

BY THE TRIBUNAL:

/s/ W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/d7e723/

Paper No. 967
Disposes of
Oral Application

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. I

THE UNITED STATES OF AMERICA, et al	) ORDER:
	) FOR THE ISSUANCE
- vs -	) OF A SUMMONS FOR
	) A WITNESS ON BEHALF
ARAKI, Sadao, et al	) OF THE DEFENSE

This matter coming on to be heard on this 16th day of May 1947, before The Honorable Sir William Webb, President of the Tribunal, upon the oral application of Aristides G. Lazarus, Chairman of the Defense Counsel Committee for the China Phase, for the production of a certain witness necessary to the presentation of the defense case, in accordance with the provisions of Section III, Article 9(e) of the Charter, and the Tribunal having heard the statements and arguments of counsel and being fully advised in the premises, it is

ORDERED: That said application for the production of the following named person be granted as prayed:

SAITO, Yoshio

(a) The nationality of the witness is Japanese;

(b) The witness resides in Tokyo;

and that a summons be issued by the General Secretary of the Tribunal commanding said witness to attend forthwith and testify before said Tribunal as a witness for the defense.

PURL: http://www.legal-tools.org/doc/a728a7/

Dated at Tokyo, Japan, this 16th day of May 1947.

BY THE TRIBUNAL:

/s/ W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/a728a7/

Paper No. 971

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al

- vs -

ARAKI, Sadao, et al

COMMISSION TO TAKE THE DEPOSITION
OF KAGESA, Sadaaki

The defense having offered in evidence the affidavit of KAGESA, Sadaaki, together with a certificate executed by Doctor MOTOHASHI, Hitoshi, a physician, certifying that the said KAGESA is suffering from illness and unable to attend this trial and give his testimony in person, and the prosecution objecting to the giving in evidence of the testimony of the said KAGESA without opportunity to cross examine him at the time, it also appearing that the said KAGESA is now at the First National Hospital, Tokyo, it is, therefore, duly considered by this Tribunal that the evidence of the said KAGESA should be taken by deposition before one of the members of this Tribunal as Commissioner.

It is ordered that the deposition of the witness KAGESA, Sadaaki, be taken before the Honorable Mr. Justice Northcroft, a member of this Tribunal, as Commissioner so to do, at the First National Hospital, Tokyo, on the 22nd day of May, 1947, at the hour of 9:30 o'clock A.M., and from day to day and hour to hour thereafter until completed,

PURL: http://www.legal-tools.org/doc/8210c4/

and the Honorable Mr. Justice Northcroft is hereby designated and appointed as Commissioner before whom said deposition shall be taken: that a sufficient number of court reporters of this Tribunal, with the assistance of interpreters of this Tribunal, shall record the testimony given, and that said deposition when taken, transcribed and translated, shall be filed with the Secretariat of this Tribunal.

It is further ordered that the Secretariat of this Tribunal is ordered to make the necessary arrangements for the taking of this deposition at the First National Hospital, Tokyo.

Dated this 21st day of May, 1947, at Tokyo, Japan.

W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/8210c4/

Paper No. 979

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al

- vs -

ARAKI, Sadao; et al

) ORDER:
) RELEASING
) CHARLES A. MANTZ
) AND APPOINTING
) PAUL M. LYNCH
) AS CLERK OF THE
) COURT.

The attention of the Tribunal has been directed to the fact that Charles A. Mantz, Clerk of the Court, has now completed his mission, and because of the serious illness of his mother desires to return to his home in the United States, and that a successor should be appointed to act in his stead, and the Tribunal being fully advised in the premises, and by a majority of the Justices, it is

ORDERED: That Charles A. Mantz be released from his duties as Clerk of the Court of this Tribunal, and that the Tribunal's appreciation of his excellent services be placed on record; and it is further

ORDERED: That Paul M. Lynch be and is hereby appointed as Clerk of the Court in the place and stead of Charles A. Mantz, and it is further

ORDERED: That the release of Charles A. Mantz and the appointment of Paul M. Lynch, be effective as of

PURL: http://www.legal-tools.org/doc/0dce40/

the 24th day of May, 1947.

Dated at Tokyo, Japan, this 23rd day of May, 1947.

BY THE TRIBUNAL:

(Signed) W. F. Webb
PRESIDENT

MEMBERS PRESENT:

The Honorable Sir William Webb, President of the Tribunal
Mr. Justice Northcroft
Lord Patrick
Mr. Justice Mei
Major General of Justice I. M. Zaryanov
Mr. Justice McDougall
Mr. Justice Bernard
Mr. Justice Roling
Mr. Justice Pal
Major General Cramer
Mr. Justice Jaranilla

PURL: http://www.legal-tools.org/doc/0dce40/

Paper No. 982
Disposes of
Paper No. 975

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. I

THE UNITED STATES OF AMERICA, et al) ORDER
) FOR THE PRODUCTION
) OF WITNESSES
- vs -) ON BEHALF OF
) THE DEFENSE
ARAKI, Sadao, et al

This matter coming on to be heard on this 23rd day of May, 1947, before The Honorable Sir William Webb, President of the Tribunal, upon the application of Aristides G. Lazarus, Chairman of the Defense Counsel Committee for the Russian phase, for the production of certain witnesses necessary to the presentation of the Russian phase, in accordance with the provisions of Section III, Article 9(e) of the Charter, the names of said witnesses being fully set forth in said application which is Paper No. 975, and the Tribunal having heard the statements and arguments of counsel and being fully advised in the premises, it is

ORDERED: That said application for the production of the following named persons be granted as prayed:

1. OTA, Saburo

   (a) The nationality of the witness is Japanese;

   (b) The present address of the witness is Yokosuka, Kanagawa-ken;

PURL: http://www.legal-tools.org/doc/7114aa/

2. OHASHI, Chuichi

(a) The nationality of the witness is Japanese;

(b) The present address of the witness is Oaza;

and that each of said witnesses be required to present himself at the office of the General Secretary of the Tribunal in Tokyo forthwith, for the purpose of interrogation by and consultation with counsel for the defense: and it is further

ORDERED: That a summons be issued by the General Secretary of the Tribunal for each of said witnesses commanding each of them to attend and testify before said Tribunal as a witness for the defense, at the time when counsel for the defense shall indicate to the General Secretary that the attendance of each of said witnesses for the purpose of giving testimony before the Tribunal shall be required.

Dated at Tokyo, Japan, this 23rd day of May 1947.

BY THE TRIBUNAL

(Signed) W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/7114aa/

Paper No. 982
Disposes of
Paper No. 975

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al) ORDER
) FOR THE PRODUCTION
- vs -) OF WITNESSES
) ON BEHALF OF
ARAKI, Sadao, et al) THE DEFENSE

This matter coming on to be heard on this 23rd day of May, 1947, before The Honorable Sir William Webb, President of the Tribunal, upon the application of Aristides G. Lazarus, Chairman of the Defense Counsel Committee for the Russian phase, for the production of certain witnesses necessary to the presentation of the Russian phase, in accordance with the provisions of Section III, Article 9(e) of the Charter, the names of said witnesses being fully set forth in said application which is Paper No. 975, and the Tribunal having heard the statements and arguments of counsel and being fully advised in the premises, it is

ORDERED: That said application for the production of the following named persons be granted as prayed:

1. OTA, Saburo

   (a) The nationality of the witness is Japanese;

   (b) The present address of the witness is Yokosuka, Kanagawa-ken;

PURL: http://www.legal-tools.org/doc/86551e/

Paper No. 990
Disposes of
Paper No. 974

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al - vs - ARAKI, Sadao, et al	ORDER: PERMITTING LIMITED NUMBER OF COPIES OF DOCUMENTS NOS. 500-(A-D), B, C, E AND F, AND 500-A-1 THROUGH 500-A-37 TO BE SUBMITTED BY DEFENSE

This matter comming on to be heard this 28th day of May, 1947 before the Honorable Sir William Webb, President of the Tribunal, upon the application of counsel for the Defense for relaxation of the present rules of the Tribunal with respect to the furnishing of copies of certain documents which the Defense expects to present in evidence, which documents are fully set forth and described in the application of the Defense which is Paper No. 974, by reason of the fact that the present shortage of available materials makes it impossible for the Defense at the present time to secure sufficient copies of said documents to meet the requirements of the applicable rules of the Tribunal, and the Tribunal having heard the statements and arguments of counsel and being fully advised in the premises, it is

ORDERED: That said application be granted as prayed, and leave is hereby granted to the Defense to file with the Clerk of the Tribunal thirty (30) copies each of Documents Nos. 500-(A-D), B, C, E and F, and 500-A-1 through 500-A-37, which documents are reports released by the United States Tariff Commission, for distribution by the Clerk, in such manner as shall be directed by the Tribunal.

Dated at Tokyo, Japan, this 28th day of May 1947.

BY THE TRIBUNAL:

(signed) W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/86551e/

Paper No. 990
Disposes of
Paper No. 974

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	ORDER:
- vs -	PERMITTING LIMITED NUMBER OF COPIES OF DOCUMENTS NOS. 500-(A-D), B, C, E AND F, AND 500-A-1 THROUGH 500-A-37 TO BE SUBMITTED BY DEFENSE
ARAKI, Sadao, et al	

This matter comming on to be heard this 28th day of May, 1947 before the Honorable Sir William Webb, President of the Tribunal, upon the application of counsel for the Defense for relaxation of the present rules of the Tribunal with respect to the furnishing of copies of certain documents which the Defense expects to present in evidence, which documents are fully set forth and described in the application of the Defense which is Paper No. 974, by reason of the fact that the present shortage of available materials makes it impossible for the Defense at the present time to secure sufficient copies of said documents to meet the requirements of the applicable rules of the Tribunal, and the Tribunal having heard the statements and arguments of counsel and being fully advised in the premises, it is

ORDERED: That said application be granted as prayed, and leave is hereby granted to the Defense to file with the Clerk of the Tribunal thirty (30) copies each of Documents Nos. 500-(A-D), B, C, E and F, and 500-A-1 through 500-A-37, which documents are reports released by the United States Tariff Commission, for distribution by the Clerk, in such manner as shall be directed by the Tribunal.

Dated at Tokyo, Japan, this 28th day of May 1947.

BY THE TRIBUNAL:

(signed) W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/86551e/

Paper No. 982
Disposes of
Paper No. 975

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	) ORDER
	) FOR THE PRODUCTION
- vs -	) OF WITNESSES
	) ON BEHALF OF
ARAKI, Sadao, et al	) THE DEFENSE

This matter coming on to be heard on this 23rd day of May, 1947, before The Honorable Sir William Webb, President of the Tribunal, upon the application of Aristides G. Lazarus, Chairman of the Defense Counsel Committee for the Russian phase, for the production of certain witnesses necessary to the presentation of the Russian phase, in accordance with the provisions of Section III, Article 9(e) of the Charter, the names of said witnesses being fully set forth in said application which is Paper No. 975, and the Tribunal having heard the statements and arguments of counsel and being fully advised in the premises, it is

ORDERED: That said application for the production of the following named persons be granted as prayed:

1. OTA, Saburo

   (a) The nationality of the witness is Japanese;

   (b) The present address of the witness is Yokosuka, Kanagawa-ken;

PURL: http://www.legal-tools.org/doc/36f2a7/

Paper No. 990
Disposes of
Paper No. 974

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al - vs - ARAKI, Sadao, et al	ORDER: PERMITTING LIMITED NUMBER OF COPIES OF DOCUMENTS NOS. 500-(A-D), B, C, E AND F, AND 500-A-1 THROUGH 500-A-37 TO BE SUBMITTED BY DEFENSE

This matter comming on to be heard this 28th day of May, 1947 before the Honorable Sir William Webb, President of the Tribunal, upon the application of counsel for the Defense for relaxation of the present rules of the Tribunal with respect to the furnishing of copies of certain documents which the Defense expects to present in evidence, which documents are fully set forth and described in the application of the Defense which is Paper No. 974, by reason of the fact that the present shortage of available materials makes it impossible for the Defense at the present time to secure sufficient copies of said documents to meet the requirements of the applicable rules of the Tribunal, and the Tribunal having heard the statements and arguments of counsel and being fully advised in the premises, it is

ORDERED: That said application be granted as prayed, and leave is hereby granted to the Defense to file with the Clerk of the Tribunal thirty (30) copies each of Documents Nos. 500-(A-D), B, C, E and F, and 500-A-1 through 500-A-37, which documents are reports released by the United States Tariff Commission, for distribution by the Clerk, in such manner as shall be directed by the Tribunal.

Dated at Tokyo, Japan, this 28th day of May 1947.

BY THE TRIBUNAL:

(signed) W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/e21d6a/

Paper No. 990
Disposes of
Paper No. 974

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	ORDER:
- vs -	PERMITTING LIMITED NUMBER OF COPIES OF DOCUMENTS NOS. 500-(A-D), B, C, E AND F, AND 500-A-1 THROUGH 500-A-37 TO BE SUBMITTED BY DEFENSE
ARAKI, Sadao, et al	

This matter comming on to be heard this 28th day of May, 1947 before the Honorable Sir William Webb, President of the Tribunal, upon the application of counsel for the Defense for relaxation of the present rules of the Tribunal with respect to the furnishing of copies of certain documents which the Defense expects to present in evidence, which documents are fully set forth and described in the application of the Defense which is Paper No. 974, by reason of the fact that the present shortage of available materials makes it impossible for the Defense at the present time to secure sufficient copies of said documents to meet the requirements of the applicable rules of the Tribunal, and the Tribunal having heard the statements and arguments of counsel and being fully advised in the premises, it is

ORDERED: That said application be granted as prayed, and leave is hereby granted to the Defense to file with the Clerk of the Tribunal thirty (30) copies each of Documents Nos. 500-(A-D), B, C, E and F, and 500-A-1 through 500-A-37, which documents are reports released by the United States Tariff Commission, for distribution by the Clerk, in such manner as shall be directed by the Tribunal.

Dated at Tokyo, Japan, this 28th day of May 1947.

BY THE TRIBUNAL:

(signed) W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/eae2ad/

Paper No. 1003
Disposes of
Paper No. 1002

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	)	ORDER:
	)	FOR THE PRODUCTION
- vs -	)	OF DOCUMENTS
	)	REQUESTED BY
ARAKI, Sadao, et al	)	THE DEFENSE.

This matter coming on to be heard this 4th day of June, 1947, before the Honorable Sir William Webb, President of the Tribunal, upon the application of Aristides G. Lazarus, Chairman of Defense Counsel Committee for the Russian phase of the defense case, for the production of certain documents necessary to the prosecution of that phase of the defense case, in accordance with the provisions of Section III, Article 9 (e) of the Charter, the nature and description of the documents requested being fully set forth in said application which is Paper No. 1002, and the Tribunal having heard the statements and arguments of counsel and being fully advised in the premises, it is

ORDERED: That said application be granted as prayed; and it is

REQUESTED of the Supreme Commander Allied Powers that, in accordance with the Provisions of Section III, Article 9(e) of the Charter, such aid as may be required be given to the Tribunal in obtaining the documents hereinafter described from the Army General Staff of the Union of Soviet Socialist Republics or the Agency or Depository of the Union of Soviet Socialist Republics having possession and custody thereof, for

PURL: http://www.legal-tools.org/doc/4da3ff/

the purpose of lodging said documents with the Registry of the Tribunal:

> All documents taken by the Soviet Forces at the Headquarters of the Kwantung Army in Hsingking, Manchuria, or of subordinate units thereof, or at Headquarters of units of the Korean Army captured by the Soviet Forces on or after 9 August 1945, which documents consist of or contain reports, charts, tables, orders or other information relative to the strength of the Kwantung Army and the Korean Army during the years 1931 to 1945, or any of them.

Dated at Tokyo, Japan, this 4th day of June 1947.

BY THE TRIBUNAL:

(signed) W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/4da3ff/

Paper No. 1015
Disposes of
Oral Applications

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	ORDER:
- vs -	PERMITTING THE ABSENCE OF ACCUSED FROM THE DOCK DURING PROGRESS OF THE TRIAL
ARAKI, Sadao, et al	

This matter coming on to be heard this 23rd day of May 1947, before the Tribunal, upon the oral applications of counsel for the defense made in Chambers on the 14th and 23rd day of May 1947, which said applications request a formal order of the Tribunal permitting the withdrawal of the accused from the dock during the progress of the trial to permit of consultation with their counsel, and the Tribunal having heard the statements and arguments of counsel and being fully advised in the premises, it is

ORDERED: That said applications be granted and that certain accused, upon leave first granted as hereinafter provided, may be withheld from the dock and their absence from the court room excused during the progress of the trial, to permit of consultation with their counsel, upon the following conditions:

1. Not more than four of the accused may be withheld from the dock at any one time while the trial progresses;

2. Counsel desiring to consult with their clients during the progress of the trial shall give notice to the Clerk of the Tribunal of their desire to withhold said accused from the dock, which notice shall be in writing and shall be deposited with the Clerk not later than noon of the day preceding the day when the absence of said accused is required.

PURL: http://www.legal-tools.org/doc/4da3ff/

Such notice shall state the date upon which the withholding of said accused is required for consultation, and the session or sessions of the Tribunal during which said accused will be absent from the dock;

and it is further

ORDERED: That the Clerk shall communicate to the President of the Tribunal during the afternoon recess period of the Tribunal the number of notices filed and the information as to the particular accused whose absence from the dock during any session of the Tribunal on the day following has been requested, whereupon the President of the Tribunal will grant leave to such accused as in his judgment are required to be withheld from the dock for the purpose of consultation with their counsel. No accused shall be withheld from the dock without leave of the Tribunal first being granted; and it is further

ORDERED: That during all times that accused are withheld from the dock for the purpose of consultation with their counsel during the progress of the trial they shall be subject to, and the consultation shall be conducted in conformance with and subject to, such security measures and regulations as may be directed and required by the Supreme Commander Allied Powers and those persons acting under his authority and in his behalf and charged with the responsibility of providing and maintaining security.

Dated at Tokyo, Japan, this 23rd day of May 1947.

BY THE TRIBUNAL:

(signed) W. F. Webb
PRESIDENT

Sitting:

The Honorable Sir William Webb
The Honorable Mr. Justice McDougall
Lord Patrick
The Honorable Mr. Justice Bernard
The Honorable Mr. Justice Roling
Major General Myron C. Cramer
Major General of Justice I. M. Zaryanov
The Honorable Mr. Justice Pal
The Honorable Mr. Justice Jaranilla

PURL: http://www.legal-tools.org/doc/4da3ff/

Paper No. 1003
Disposes of
Paper No. 1002

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	)	ORDER:
	)	FOR THE PRODUCTION
- vs -	)	OF DOCUMENTS
	)	REQUESTED BY
ARAKI, Sadao, et al	)	THE DEFENSE.

This matter coming on to be heard this 4th day of June, 1947, before the Honorable Sir William Webb, President of the Tribunal, upon the application of Aristides G. Lazarus, Chairman of Defense Counsel Committee for the Russian phase of the defense case, for the production of certain documents necessary to the prosecution of that phase of the defense case, in accordance with the provisions of Section III, Article 9 (e) of the Charter, the nature and description of the documents requested being fully set forth in said application which is Paper No. 1002, and the Tribunal having heard the statements and arguments of counsel and being fully advised in the premises, it is

ORDERED: That said application be granted as prayed; and it is

REQUESTED of the Supreme Commander Allied Powers that, in accordance with the Provisions of Section III, Article 9(e) of the Charter, such aid as may be required be given to the Tribunal in obtaining the documents hereinafter described from the Army General Staff of the Union of Soviet Socialist Republics or the Agency or Depository of the Union of Soviet Socialist Republics having possession and custody thereof, for

PURL: http://www.legal-tools.org/doc/24d473/

the purpose of lodging said documents with the Registry of the Tribunal:

> All documents taken by the Soviet Forces at the Headquarters of the Kwantung Army in Hsingking, Manchuria, or of subordinate units thereof, or at Headquarters of units of the Korean Army captured by the Soviet Forces on or after 9 August 1945, which documents consist of or contain reports, charts, tables, orders or other information relative to the strength of the Kwantung Army and the Korean Army during the years 1931 to 1945, or any of them.

Dated at Tokyo, Japan, this 4th day of June 1947.

BY THE TRIBUNAL:

(signed) W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/24d473/

Paper No. 1015
Disposes of
Oral Applications

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	ORDER:
- vs -	PERMITTING THE ABSENCE OF ACCUSED FROM THE DOCK DURING PROGRESS OF THE TRIAL
ARAKI, Sadao, et al	

This matter coming on to be heard this 23rd day of May 1947, before the Tribunal, upon the oral applications of counsel for the defense made in Chambers on the 14th and 23rd day of May 1947, which said applications request a formal order of the Tribunal permitting the withdrawal of the accused from the dock during the progress of the trial to permit of consultation with their counsel, and the Tribunal having heard the statements and arguments of counsel and being fully advised in the premises, it is

ORDERED: That said applications be granted and that certain accused, upon leave first granted as hereinafter provided, may be withheld from the dock and their absence from the court room excused during the progress of the trial, to permit of consultation with their counsel, upon the following conditions:

1. Not more than four of the accused may be withheld from the dock at any one time while the trial progresses;

2. Counsel desiring to consult with their clients during the progress of the trial shall give notice to the Clerk of the Tribunal of their desire to withhold said accused from the dock, which notice shall be in writing and shall be deposited with the Clerk not later than noon of the day preceding the day when the absence of said accused is required.

PURL: http://www.legal-tools.org/doc/f8c112/

Such notice shall state the date upon which the withholding of said accused is required for consultation, and the session or sessions of the Tribunal during which said accused will be absent from the dock;

and it is further

ORDERED: That the Clerk shall communicate to the President of the Tribunal during the afternoon recess period of the Tribunal the number of notices filed and the information as to the particular accused whose absence from the dock during any session of the Tribunal on the day following has been requested, whereupon the President of the Tribunal will grant leave to such accused as in his judgment are required to be withheld from the dock for the purpose of consultation with their counsel. No accused shall be withheld from the dock without leave of the Tribunal first being granted; and it is further

ORDERED: That during all times that accused are withheld from the dock for the purpose of consultation with their counsel during the progress of the trial they shall be subject to, and the consultation shall be conducted in conformance with and subject to, such security measures and regulations as may be directed and required by the Supreme Commander Allied Powers and those persons acting under his authority and in his behalf and charged with the responsibility of providing and maintaining security.

Dated at Tokyo, Japan, this 23rd day of May 1947.

BY THE TRIBUNAL:

(signed) W. F. Webb
PRESIDENT

Sitting:

The Honorable Sir William Webb
The Honorable Mr. Justice McDougall
Lord Patrick
The Honorable Mr. Justice Bernard
The Honorable Mr. Justice Roling
Major General Myron C. Cramer
Major General of Justice I. M. Zaryanov
The Honorable Mr. Justice Pal
The Honorable Mr. Justice Jaranilla

PURL: http://www.legal-tools.org/doc/f8c112/

Paper No. 1067
Disposes of
Paper No. 1066

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	ORDER FOR THE PRODUCTION OF CERTAIN WITNESSES NECESSARY TO THE DEFENSE OF THE ACCUSED TOGO, Shigenori, UNDER THE CHARTER
- vs -	
ARAKI, Sadao, et al	

This matter coming on to be heard on this 28th day of July, 1947, before the Honorable Sir William Webb, President of the Tribunal, upon the application of the accused TOGO, Shigenori, for the production of certain witnesses necessary to his defense, in accordance with the provisions of Section III, Article 9(e) of the Charter, the names of said witnesses being fully set forth in said application which is Paper No. 1066, and the Tribunal having heard the statements and arguments of counsel and being fully advised in the premises, it is

ORDERED: That said application for the production of the following named persons be granted as prayed:

1. YAMAMOTO, Kumaichi

   a. The nationality of the witness is Japanese:

   b. The address of the witness is: Tokyoto, Setagaya-Ku, Shimouma-Cho, 3-Chome No. 9;

2. KURT MEISNER

   a. The nationality of the witness is German;

   b. The address of the witness is: Karuizawa, Japan;

PURL: http://www.legal-tools.org/doc/7e189c/

and that each of said witnesses be required to present himself at the office of the General Secretary of the Tribunal in Tokyo forthwith for the purpose of consultation with counsel for the accused; and it is further

ORDERED: That a summons be issued by the General Secretary of the Tribunal for each of said witnesses, commanding each of them to attend and testify before the Tribunal as a witness for said accused, TOGO, Shigenori, at the time when counsel for said accused shall indicate to the General Secretary that the attendance of each of said witnesses is required for the purpose of giving testimony before the Tribunal.

BY THE TRIBUNAL:

(signed) W. F. Webb
President

PURL: http://www.legal-tools.org/doc/7e189c/

Paper No. 1072
Disposes of
Paper No. 1071

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al

- vs -

ARAKI, Sadao, et al

ORDER FOR THE PRODUCTION OF WITNESS REQUESTED BY THE ACCUSED SHIMADA, Shigetaro AND OKA, Takasumi

This matter coming on to be heard this 30th day of July, 1947, before the Honorable Sir William Webb, President of the Tribunal, upon the written application of the accused SHIMADA, Shigetaro and OKA, Takasumi for the production of a certain witness necessary to the presentation of the Defense case, in accordance with provisions of Article 9(e) of the Charter, and the Tribunal having heard the statements and arguments of Counsel, and being fully advised in the premises, it is

ORDERED: That said application for the production of the following named person be granted as prayed:

WENNEKER, Paul W.

(a) The nationality of the witness is German;

(b) The present address of the witness is Karuizawa, Japan

and that a summons be issued by the General Secretary of the Tribunal commanding the said witness to attend forthwith and testify before said Tribunal as a witness for the Defense.

BY THE TRIBUNAL:

(Signed) W. F. Webb
PRESIDENT.

PURL: http://www.legal-tools.org/doc/6091bf/

Paper No. 1091
Disposes of
Paper No. 1088

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	) ORDER) FOR THE PRODUCTION) OF CERTAIN WITNESSES) NECESSARY TO THE DEFENSE) OF THE ACCUSED) TOGO, Shigenori,) UNDER THE CHARTER
- vs -	
ARAKI, Sadao, et al	

This matter coming on to be heard on this 8th day of August, 1947, before the Honorable Sir William Webb, President of the Tribunal, upon the application of the accused TOGO, Shigenori, for the production of certain witnesses necessary to his defense, in accordance with the provisions of Section III, Article 9(e) of the Charter, the names of said witnesses being fully set forth in said application which is Paper No. 1088, and the Tribunal having heard the statements and arguments of counsel, and being fully advised in the premises, it is

ORDERED: That said application for the production of the following named persons be granted as prayed:

1. KAMEYAMA, Kazuji
   a. The nationality of the witness is Japanese;
   b. The present address of the witness is Gifu Prefecture, Seki-machi;
2. YUKI, Shiroji
   a. The nationality of the witness is Japanese;
   b. The present address of the witness is Liaison Office, Fukuoka, Fukuoka Prefecture;

PURL: http://www.legal-tools.org/doc/2dd625/

Paper No. 1106
Disposes of
Paper No. 1101

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al

- vs -

ARAKI, Sadao, et al

) ORDER
) GRANTING THE WITHDRAWAL
) FROM THE FILES OF
) THE TRIBUNAL OF
) EXHIBIT NO. 2589
) FOR IDENTIFICATION ONLY
)

This matter coming on to be heard on this 13th day of August, 1947, before the Honorable Sir William Webb, President of the Tribunal, upon the application of Shinji Somiya, counsel for the accused OKA, Takazumi, for an order of the Tribunal granting leave to withdraw from the files of the Tribunal the original document comprising Court Exhibit No. 2589, heretofore presented and marked for identification only, and from which document excerpts have been offered and received in evidence and identified as Court Exhibits Nos. 2590, 2591, 2592, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2602, 2603, 2604, 2605, 2607, 2608 and 2609 respectively, which said original document, to wit: Court Exhibit No. 2589 for Identification only, is more particularly described as follows:

> A book printed in the Japanese language and entitled "Sharing Our Fate" (Dosei Kyoshi) edited by the North China Expeditionary Force, Intelligence Section, Japanese Army,

said withdrawal of the original document being for the purpose of returning the same forthwith to the source from which it was obtained, to wit, First Demobilization Bureau of the Japanese Government in Tokyo, Japan; and

PURL: http://www.legal-tools.org/doc/f27b90/

It appearing to the Tribunal that the withdrawal of this document, Court Exhibit No. 2589 for Identification Only, as requested, will in nowise prejudice the rights of the Prosecution or the Accused, or any of them, and no substantial injustice will result thereby to the said Prosecution or the Accused, and it appearing further to the Tribunal that the Prosecution has consented to the granting of this application and the withdrawal of said exhibit, and the Tribunal having heard the statements of counsel and being fully advised in the premises, it is

ORDERED: That said application be and hereby is granted as prayed; and it is further

ORDERED: That said Court Exhibit No. 2589 for Identification Only be withdrawn from the files of the Tribunal forthwith and returned to the source from which it was obtained, under the express term and condition, however, that said document shall be returned to the Tribunal upon request in the event either the Tribunal or the Prosecution or the Defense should desire it for the purpose of this trial; and it is further

ORDERED: That excerpts from Court Exhibit No. 2589 for Identification Only, to wit: Court Exhibits Nos. 2590, 2591, 2592, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2602, 2603, 2604, 2605, 2607, 2608 and 2609 respectively, shall remain in the files and records of the Tribunal, and that this order in no respect affects their present status.

BY THE TRIBUNAL:

(signed) W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/f27b90/

Paper No. 1107
Disposes of
Paper No. 1094

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al

- vs -

ARAKI, Sadao, et al

) ORDER
) WITHDRAWING A SUMMONS
) FOR THE PRODUCTION OF
) EUGEN OTT, AS A WITNESS
) ON BEHALF OF THE ACCUSED
) OSHIMA, HIROSHI, AND THE
) ACCUSED, SHIRATORI, TOSHI(

This matter coming on to be heard on the 13th day of August, 1947, before the Honorable Sir William Webb, President of the Tribunal, upon the application of the Accused OSHIMA, Hiroshi and SHIRATORI, Toshio, by their counsel, for the withdrawal of a summons for the production of Eugen Ott as a witness on behalf of said accused, which summons was issued on or about the 23rd day of December 1946 upon the application of said Accused, the reasons for the withdrawal of said summons being fully stated in the application of the Accused for the withdrawal thereof, which said application is Paper No. 1094, and the Tribunal having heard the statements of counsel and being fully advised in the premises, it is

ORDERED: That said application be granted as prayed, and that the summons heretofore issued under the order of this Tribunal commanding the presence of Eugen Ott to testify on behalf of the Accused OSHIMA and SHIRATORI before the Tribunal be withdrawn, and that all persons,

PURL: http://www.legal-tools.org/doc/b39d4b/

Paper No. 1109
Disposes of
Paper No. 1108

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	) ORDER
	) FOR THE PRODUCTION
- vs -	) OF A CERTAIN WITNESS
	) NECESSARY TO THE
ARAKI, Sadao, et al	) DEFENSE OF THE
	) ACCUSED TOGO, Shigenori,
	) UNDER THE CHARTER

This matter coming on to be heard on this 14th day of August, 1947, before the Honorable Sir William Webb, President of the Tribunal, upon the application of the accused TOGO, Shigenori, for the production of a certain witness necessary to his defense, in accordance with the provisions of Section III, Article 9(c) of the Charter, the name of said witness being fully set forth in said application which is Paper No. 1108, and the Tribunal having heard the statements and arguments of counsel, and being fully advised in the premises, it is

ORDERED: That said application for the production of the following named person be granted as prayed:

EUGEN OTT

a. The nationality of the witness is German.

b. The present address of the witness is unknown, but he was last reported to be in Peking, China;

and that said witness be required to present himself at the office of the General Secretary of the Tribunal in Tokyo forthwith for the purpose of consultation with counsel for the accused; and it is further

PURL: http://www.legal-tools.org/doc/d5aa4a/

Papor Nos 1174
Disposes of
Papor Nos 1137

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al

- vs -

ARAKI, Sadao, et al

) ORDER
) DISMISSING THE APPLI-
) CATION OF THE ACCUSED
) ARAKI, Sadao,
) REQUESTING ISSUANCE
) OF SUBPOENAS FOR
) WITNESSES

This matter coming on to be heard on this 29th day of August, 1947, at 9:00 A.M., before the Honorable Sir William Webb, President of the Tribunal, upon the application of the accused ARAKI, Sadao, by his counsel SUGAHARA, Yutaka, and Lawrence J. McManus, for the production of certain witnesses necessary to the defense of said accused, which said application is Paper No. 1137 (Revised), and neither of said counsel appearing at said hearing the President of the Tribunal, at 9:10 A.M., adjourned the same until 1:15 P.M. on the 29th day of August, 1947, at which time said application again coming on to be heard, pursuant to adjournment, and said counsel for accused again failing to appear or furnish to the Tribunal any explanation of their failure so to do, it is

ORDERED: That said application be and the same hereby is dismissed.

BY THE TRIBUNAL:

(signed) W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/37fec5/

ORDERED: That a summons be issued by the General Secretary of the Tribunal for said witness, commanding him to attend and testify before the Tribunal as a witness for said accused TOGO, Shigenori, at the time when counsel for said accused shall indicate to the General Secretary that the attendance of said witness is required for the purpose of giving testimony before the Tribunal.

BY THE TRIBUNAL:

(signed) W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/37fec5/

Papor Nos 1174
Disposes of
Papor Nos 1137

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	) ORDER
	) DISMISSING THE APPLI-
	) CATION OF THE ACCUSED
- vs -	) ARAKI, Sadao,
	) REQUESTING ISSUANCE
	) OF SUBPOENAS FOR
ARAKI, Sadao, et al	) WITNESSES

This matter coming on to be heard on this 29th day of August, 1947, at 9:00 A.M., before the Honorable Sir William Webb, President of the Tribunal, upon the application of the accused ARAKI, Sadao, by his counsel SUGAHARA, Yutaka, and Lawrence J. McManus, for the production of certain witnesses necessary to the defense of said accused, which said application is Paper No. 1137 (Revised), and neither of said counsel appearing at said hearing the President of the Tribunal, at 9:10 A.M., adjourned the same until 1:15 P.M. on the 29th day of August, 1947, at which time said application again coming on to be heard, pursuant to adjournment, and said counsel for accused again failing to appear or furnish to the Tribunal any explanation of their failure so to do, it is

ORDERED: That said application be and the same hereby is dismissed.

BY THE TRIBUNAL:

(signed) W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/1377e6/

Paper No. 1187
Disposes of
Paper No. 1177

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	) ORDER
	) FOR THE PRODUCTION
- vs -	) OF WITNESSES NECESSARY
	) TO THE DEFENSE OF
ARAKI, Sadao, et al	) ACCUSED TOJO, Hideki,
	) UNDER THE CHARTER

This matter coming on to be heard on the 2nd day of September, 1947, before the Honorable Sir William Webb, President of the Tribunal, upon the application of the accused, TOJO, Hideki, for the production of certain witnesses necessary to his defense, in accordance with the provisions of Section III, Article 9(e) of the Charter, the names of said witnesses being fully set forth in said application which is Paper No. 1177, and the Tribunal having heard the statements and arguments of counsel, and being fully advised in the premises, it is

ORDERED: That said application for the production of the following named persons be granted as prayed:

1. MURATA, Yachino:
   a. The nationality of the witness is Japanese;
   b. The present address of the witness is Bureau of Decorations, Office of the Prime Minister, Tokyo;
2. JO, Tomiji:

PURL: http://www.legal-tools.org/doc/af6419/

a. The nationality of the witness is Japanese;

b. The present address of the witness is Imperial Household of Ministry, Imperial Household, Tokyo;

and that a summons be issued by the General Secretary of the Tribunal commanding each of said witnesses to attend forthwith and testify before said Tribunal as a witness for the Defense.

BY THE TRIBUNAL:

(signed) W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/af6419/

Paper No. 1222
Disposes of
Paper No. 1211

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	) ORDER
	) GRANTING THE WITHDRAWAL
- vs -	) FROM THE FILES OF THE
	) TRIBUNAL OF EXHIBITS
ARAKI, Sadao, et al	) NOS. 3053 AND 3054
	) FOR IDENTIFICATION ONLY.

This matter coming on to be heard on this 5th day of September, 1947, before the Honorable Sir William Webb, President of the Tribunal, upon the application of SOMIYA, Shinji and S. ALLEN ROBERTS, counsel for the accused OKA, Takazumi, for an order of the Tribunal granting leave to withdraw from the files of the Tribunal the original documents comprising Court Exhibits Nos. 3053 and 3054, heretofore presented and marked for identification only, and from which documents excerpts have been offered and received in evidence and identified as Court Exhibits Nos. 3053A, 3053B, 3054A, 3054B and 3054C respectively, which said original documents, to wit: Court Exhibits Nos. 3053 and 3054 for Identification only, are more particularly described as follows:

Exhibit No. 3053:
Book entitled "Collected Volume of Headquarters' Instructions, Vol.II, Navy Section"

Exhibit No. 3054:
Book entitled "Collected Volume of Imperial Headquarters Instructions, Vol. I, Naval Section"

PURL: http://www.legal-tools.org/doc/dd6f85/

said withdrawal of these original documents being for the purpose of returning them forthwith to the source from which they were obtained, to wit, Second Demobilization Bureau of the Japanese Government in Tokyo, Japan; and

It appearing to the Tribunal that the withdrawal of these documents, Court Exhibits Nos. 3053 and 3054 for Identification Only, as requested, will in nowise prejudice the rights of the Prosecution or the Accused, or any of them, and no substantial injustice will result thereby to the said Prosecution or the Accused, and it appearing further to the Tribunal that the Prosecution has consented to the granting of this application and the withdrawal of said exhibits, and the Tribunal having heard the statements of counsel and being fully advised in the premises, it is

ORDERED: That said application be and hereby is granted as prayed; and it is further

ORDERED: That said Court Exhibits Nos. 3053 and 3054 for Identification Only be withdrawn from the files of the Tribunal forthwith and returned to the source from which they were obtained, under the express term and condition, however, that said documents shall be returned to the Tribunal upon request in the event either the Tribunal, the Prosecution or the Defense should desire them forthe purpose of this trial; and it is further

ORDERED: That excerpts from Court Exhibits Nos.

PURL: http://www.legal-tools.org/doc/dd6f85/

3053 and 3054 for Identification Only, to wit: Court Exhibits Nos. 3053A, 3053B, 3054A, 3054B and 3054C respectively, shall remain in the files and records of the Tribunal, and that this order in no respect affects their present status.

BY THE TRIBUNAL:

(signed) W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/dd6f85/

Paper No. 1238
Disposes of
Paper No. 1121

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. I

THE UNITED STATES OF AMERICA, et al
- vs -
ARAKI, Sadao, et al.

) ORDER
) GRANTING PROSECUTION
) AN EXTENSION OF TIME
) TO OCTOBER 17, 1947,
) WITHIN WHICH TO PRESENT
) CERTAIN WITNESSES FOR
) CROSS-EXAMINATION

This matter coming on for decision by the Tribunal in open court this 10th day of September, 1947, upon the application of the Prosecution for an order extending until October 17, 1947, the time fixed by the Tribunal in its previous order made in open court on June 17, 1947, wherein the Tribunal requires the Prosecution to produce for cross-examination certain witnesses within a period of two months from that date, or within such longer period as may on cause shown to be approved by the Tribunal, or alternatively to give convincing reasons within said period why they are not able to produce the said witnesses, said application being Paper No. 1121, and the arguments and statements of counsel in support of and in opposition to the said application having been heard before the Honorable Sir William Webb, President of the Tribunal, in Chambers on the 20th day of August, 1947, at which time the decision thereon was reserved, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application be granted as

PURL: http://www.legal-tools.org/doc/67f7fd/

prayed; and it is further

ORDERED: That the time within which the Prosecution is required to comply with the previous order of this Tribunal is extended to October 17, 1947.

BY THE TRIBUNAL:

(signed) W. F. Webb
PRESIDENT

Sitting:

The Honorable Sir William Webb
The Honorable Mr. Justice McDougall
The Honorable Mr. Justice Ju-Ao Mei
The Honorable Mr. Justice Bernard
Lord Patrick
The Honorable Mr. Justice Roling
The Honorable Mr. Justice Northcroft
The Honorable Mr. Justice Jaranilla
Major General of Justice I. M. Zaryanov
Major General Myron C. Cramer

PURL: http://www.legal-tools.org/doc/67f7fd/

Paper No. 1239
Disposes of
Paper No. 1186

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA	) ORDER
	) DENYING THE APPLICATION
	) OF THE ACCUSED, ARAKI,
- vs -	) FOR THE ISSUANCE OF
	) SUBPOENAS FOR CERTAIN
	) WITNESSES UNDER
ARAKI, Sadao, et al	) THE CHARTER.

This matter coming on to be heard this 2nd day of September, 1947, before the Honorable Sir William Webb, President of the Tribunal, upon the application of the Accused ARAKI, Sadao, by his counsel, for the issuance of subpoenas for certain witnesses necessary to the defense of said Accused, the names of said witnesses being fully set forth in the application which is Paper No. 1186; and

It appearing to the Tribunal that affidavits have been obtained from all witnesses named in said application, and the Tribunal having heard the arguments and statements of counsel and being fully advised in the premises, it is

ORDERED: That the application for the issuance of subpoenas at the present time is denied; and it is further

ORDERED: That the affidavits of said witnesses may be tendered in evidence and will be dealt with on their merits, and if it should appear to the Tribunal that the appearance of any of said witnesses is required for examination or cross-

PURL: http://www.legal-tools.org/doc/67f7fd/

examination, the attendance of such witness or witnesses will be directed as and when the necessity for his or their presence shall appear to the Tribunal, at which time such subpoena or subpoenas will issue for said witness or witnesses as the Tribunal may direct.

BY THE TRIBUNAL:

(signed) W. F. Webb
PRESIDENT

Sitting:

The Honorable Sir William Webb
The Honorable Mr. Justice McDougall
The Honorable Mr. Justice Ju-Ao Mei
The Honorable Mr. Justice Bernard
Lord Patrick
The Honorable Mr. Justice Roling
The Honorable Mr. Justice Northcroft
The Honorable Mr. Justice Jaranilla
Major General of Justice I. M. Zaryanov
Major General Myron C. Cramer

PURL: http://www.legal-tools.org/doc/67f7fd/

Paper No. 1274
Disposes of
Paper No. 1234

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	ORDER:
	GRANTING LEAVE TO
	WITHDRAW FROM FILES
- vs -	OF THE TRIBUNAL
	COURT EXHIBIT NO. 2798
	FOR IDENTIFICATION ONLY
	AND DEFENSE DOCUMENTS
ARAKI, Sadao, et al	NOS. 1626 AND 1835

This matter coming on to be heard on this 23rd day of September, 1947, before the Honorable Sir William Webb, President of the Tribunal, upon the application of William Logan, Jr., counsel for the accused KIDO, Koichi, for an order of the Tribunal granting leave to withdraw from the files of the Tribunal, on the usual terms, the original document comprising Court Exhibit No. 2798, heretofore presented and marked for Identification Only, and excerpts therefrom having been offered in evidence and rejected, Defense Document No. 1626 and excerpt therefrom having been submitted in evidence and rejected, and Defense Document No. 1835 which was offered in evidence and rejected, each of the foregoing being more particularly described as follows:

Court Exhibit No. 2798
"Imperial Economic Conference at Ottawa, 1932 - Summary of Proceedings and Copies of Trade Agreements"

PURL: http://www.legal-tools.org/doc/67f7fd/

Defense Document No. 1626
"Japan Year Book, 1941-42"

Defense Document No. 1835
"The Indian Merchant's Chamber, Views of the Committee on the Report of the Indian Delegation to the Imperial Economic Conference, Ottawa"

said withdrawal of said original documents being for the purpose of returning the same forthwith to the source from which they had been secured, to wit: The Economic Research Library in Tokyo, Japan; and counsel for the Accused failing to attend the hearing upon said application, and the Prosecution by Mr. Solis Horwitz appearing and consenting on behalf of the Prosecution to the granting of this application, and it appearing to the Tribunal that the withdrawal of Court Exhibit 2798 for Identification Only and Defense Documents Nos. 1626 and 1835 will in nowise prejudice the rights of the Prosecution or of the Accused, or any of them, and that no substantial injustice will result thereby to the said Prosecution or the said Accused it is

ORDERED: That said application be and the same is hereby granted as prayed; and it is further

ORDERED: That Court Exhibit No. 2798 and Defense Documents Nos. 1626 and 1835 be withdrawn from the files of the Tribunal forthwith and returned to the source from which they were obtained, under the express term and condition, however, that said documents shall be returned to the Tribunal upon request in the event that the Tribunal or the Prosecution or the Defense should require the, or any of them, for the purpose of this trial.

BY THE TRIBUNAL:

(signed) W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/67f7fd/

Paper No. 1275
Disposes of
Paper No. 1243

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	) ORDER:
	) GRANTING WITHDRAWAL
	) FROM THE FILES OF
- vs -	) THE TRIBUNAL COURT
	) EXHIBITS NOS. 3058
	) AND 3060 FOR IDEN-
ARAKI, Sadao, et al	) TIFICATION ONLY

This matter coming on to be heard on this 23rd day of September, 1947, before the Honorable Sir William Webb, President of the Tribunal, upon the application of SOMIYA, Shinji and S. Allen Roberts, counsel for the Accused OKA, Takazumi, for an order of the Tribunal granting leave to withdraw from the files of the Tribunal, on the usual terms, the original documents comprising Court Exhibits Nos. 3058 and 3060 heretofore presented and marked for Identification Only, from each of which documents an excerpt has been offered and received in evidence and identified as Court Exhibits Nos. 3058-A and 3060-A respectively, which said original documents, to wit: Court Exhibits Nos. 3058 and 3060, are more particularly described as follows:

"Two (2) volumes containing a bound volume of directives issued by the Navy Section of the Imperial Headquarters"

said withdrawal of said original documents being for the purpose of returning the same forthwith to the source from which they had been secured, to wit: The Second

PURL: http://www.legal-tools.org/doc/a5828f/

Paper No. 1276
Disposes of
Paper No. 1270

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al
- vs -
ARAKI, Sadao, et al

) ORDER:
) AMENDING ORDER OF
) 8 AUGUST 1946
) SUBSTITUTING ADMINI-
) STRATION OFFICERS

This matter coming on to be heard this 23rd day of September, 1947, before the Honorable Sir William Webb, President of the Tribunal, upon the request of the Prosecution that the order of the Tribunal dated 8 August 1946 (Paper No. 347), designating Lt. Gunnar E. OHBERG or Lt. Kurt STEINER as persons to whom exhibits and documents may be delivered by the Registry of the Tribunal as required during the course of proceedings, be amended by substituting the names of Mr. Yale MAXON or Miss Frances MATTISON in the place and stead of Lt. Gunnar E. Ohberg;

And the Tribunal having heard the arguments and statements of counsel, and being fully advised in the premises, it is

ORDERED: That the order of the Tribunal dated 8 August 1946 (Paper No. 347), which order amended the last paragraph of the former order of the Tribunal under date of 16 July 1946, be and the same hereby is amended to read as follows:

PURL: http://www.legal-tools.org/doc/3f44a1/

"ORDERED: That said exhibits shall be delivered by the Clerk of the Court only upon the written receipt of the following:

PROSECUTION SECTION	DEFENSE SECTION
Mr. Yale MAXON or Miss Frances MATTISON or Lt. Kurt STEINER	Mr. E. R. HARRIS "

Dated at Tokyo, Japan, this 23rd September 1947.

BY THE TRIBUNAL:

(signed) W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/3f44a1/

Paper No. 1311
Disposes of
Paper No. 1290

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	) ORDER
	) TO PROPOUND BY CABLE
	) CERTAIN INTERROGATORIES
- vs -	) OF THE RT. HON. SIR
	) ROBERT LESLIE CRAIGIE,
	) FORMER AMBASSADOR OF
ARAKI, Sadao, et al	) GREAT BRITAIN TO JAPAN

This matter coming on to be heard this 8th day of October, 1947, before the Honorable Sir William Webb, President of the Tribunal, upon the application of the Accused HIROTA, Koki, by his counsel, for an order directing that certain interrogatories be propounded by cable to the Rt. Hon. Sir Robert Leslie Craigie, the former British Ambassador to Japan, and that his answers thereto be recorded and transmitted in the same manner, and that a copy of the cablegram containing said answers be forwarded to counsel immediately upon its receipt, and the Tribunal having heard the statements and arguments of counsel for both the Accused HIROTA, Koki, and the Prosecution, and being fully advised in the premises, it is

ORDERED: That said application be and the same hereby is granted; and it is further

ORDERED: That the questions set forth in Annex A attached to this order be transmitted by cable, or the most

PURL: http://www.legal-tools.org/doc/638b4

Paper No. 1313
Disposes of
Oral Application

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al

- vs -

ARAKI, Sadao. et al

) ORDER
) TO PROPOUND BY CABLE
) CERTAIN INTERROGATORIES
) TO THE RT. HON. SIR
) ROBERT LESLIE CRAIGIE,
) FORMER AMBASSADOR OF
) GREAT BRITAIN TO JAPAN

This matter coming on to be heard this 8th day of October, 1947, before the Honorable Sir William Webb, President of the Tribunal, upon the oral application of the Accused SHIGEMITSU, Mamoru, by his counsel Mr. George A. Furness, for an order to submit certain written interrogatories to the Rt. Hon. Sir Robert Leslie Craigie, an interrogation of said Sir Robert Leslie Craigie having been previously authorized by order of the Tribunal on the 24th day of April, 1947 (Paper No. 877), and directing that Sir Robert Leslie Craigie's answers to said interrogatories be recorded and transmitted in the same manner and that a copy of the cabled answers be forwarded to counsel immediately upon their receipt, and the Tribunal having heard the statements and arguments of counsel for both the Accused SHIGEMITSU Mamoru, and the Prosecution, and being fully advised in the premises, it is

ORDERED: That said application be and the same hereby is granted; and it is further

PURL: http://www.legal-tools.org/doc/85...

rapid method of communication available, to England and there propounded to the Rt. Hon. Sir Robert Leslie Craigie whose address is

(1) c/o United Nations War Crimes Commission, Lansdowne House, Berkeley Square, London W-1, England

or

(2) Possingworth Manor, Near Uckfield, Sussex, England

and that the answers of the said Sir Robert Craigie in response to the questions propounded to him be transmitted by cable, or the most rapid method of communication available, to the Office of the General Secretary of the International Military Tribunal for the Far East, Tokyo, Japan, and that immediately upon receipt thereof the Office of the General Secretary transmit a copy of said answers to counsel; and it is further

ORDERED: That all rights of the Prosecution to object to the questions propounded to said Sir Robert Craigie or to his answers thereto, or any portion thereof, are reserved subject to being interposed at such time as the interrogation is hereafter offered in evidence by the defense before the Tribunal; and it is

REQUESTED: That every facility and assistance be offered to effectuate the interrogation of said Sir Robert Craigie in compliance with the terms of this order.

BY THE TRIBUNAL:

(signed) W.F.Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/85e87f/

Paper No. 1313
Disposes of
Oral Application

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	) ORDER
	) TO PROPOUND BY CABLE
	) CERTAIN INTERROGATORIES
- vs -	) TO THE RT. HON. SIR
	) ROBERT LESLIE CRAIGIE,
	) FORMER AMBASSADOR OF
ARAKI, Sadao. et al	) GREAT BRITAIN TO JAPAN

This matter coming on to be heard this 8th day of October, 1947, before the Honorable Sir William Webb, President of the Tribunal, upon the oral application of the Accused SHIGEMITSU, Mamoru, by his counsel Mr. George A. Furness, for an order to submit certain written interrogatories to the Rt. Hon. Sir Robert Leslie Craigie, an interrogation of said Sir Robert Leslie Craigie having been previously authorized by order of the Tribunal on the 24th day of April, 1947 (Paper No. 877), and directing that Sir Robert Leslie Craigie's answers to said interrogatories be recorded and transmitted in the same manner and that a copy of the cabled answers be forwarded to counsel immediately upon their receipt, and the Tribunal having heard the statements and arguments of counsel for both the Accused SHIGEMITSU Mamoru, and the Prosecution, and being fully advised in the premises, it is

ORDERED: That said application be and the same hereby is granted; and it is further

PURL: http://www.legal-tools.org/doc/765d1c/

ORDERED: That the questions set forth in Annex A attached to this order be transmitted by cable, or the most rapid method of communication available, to England and there propounded to the Rt. Hon. Sir Robert Leslie Craigie whose address is

(1) c/o United Nations War Crimes Commission,
Lansdowne House, Berkeley Square,
London W-1, England

or

(2) Possingworth Manor, Near Uckfield,
Susex, England

and that the answers of the said Sir Robert Craigie in response to the questions propounded to him be transmitted by cable, or the most rapid method of communication available, to the Office of the General Secretary of the International Military Tribunal for the Far East, Tokyo, Japan, and that immediately upon receipt thereof the Office of the General Secretary transmit a copy of said answers to counsel; and it is further

ORDERED: That all rights of the Prosecution to object to the questions propounded to said Sir Robert Leslie Craigie or to his answers thereto, or any portion thereof, are reserved subject to being interposed at such time as the interrogation is hereafter offered in evidence by the defense before the Tribunal; and it is

REQUESTED: That every facility and assistance be offered to effectuate the interrogation of said Sir Robert Leslie Craigie in compliance with the terms of this order.

BY THE TRIBUNAL:

(signed) W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/765d1c/

Paper No. 1391
Disposes of
Oral Application.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
AT TOKYO, Japan

Case No. 1

THE UNITED STATES OF AMERICA, et al

- vs -

ARAKI, Sadao, et al

COMMISSION TO TAKE THE DEPOSITION OF
SHIDEHARA, Kijuro

The Defense having offered in evidence the affidavit of SHIDEHARA, Kijuro, together with verified certificate executed by Hirotoshi, Hashimoto, attending physician, certifying that the said SHIDEHARA is ill and unable to attend this trial and give his testimony in person and, the Prosecution objecting to the giving in evidence of the testimony of the said SHIDEHARA without opportunity to cross examine him at this time, it also appearing that the said SHIDEHARA resides in the suburbs of Tokyo, it is, therefore, duly considered by this Tribunal that the evidence of the said SHIDEHARA should be taken by deposition before one of the members of this Tribunal as Commissioner, and it is

ORDERED: That the deposition of the witness SHIDEHARA, Kijuro be taken before the Honorable Mr. Justice Northcroft, a member of this Tribunal, as Commissioner so to do, at the

PURL: http://www.legal-tools.org/doc/f05935/

residence of the said SHIDEHARA, Kijuro on the 11th day of November, 1947, at the hour of 2:00 P. M. or as soon thereafter as the said commissioner may determine, and from day to day and hour to hour thereafter until completed, and the Honorable Mr. Justice Northcroft is hereby designated and appointed as Commissioner before whom said deposition shall be taken; that a sufficient number of Court Reporters of this Tribunal, with the assistance of interpreters of this Tribunal, shall record the testimony given and that said deposition, when taken, transcribed and translated, shall be filed with the Secretariat of this Tribunal;

Further, that the Secretariat of this Tribunal is directed to make the necessary arrangements for the taking of this deposition.

Dated this 10th day of November, 1947, at Tokyo, Japan.

FOR THE TRIBUNAL:

Myron C. Cramer, Major General
Acting President

PURL: http://www.legal-tools.org/doc/f05935/

Paper No. 1397
Disposes of
Oral Application

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	)	COMMISSION
	)	TO TAKE THE
- vs -	)	DEPOSITION OF
	)	ISHII, Akiho
ARAKI, Sadao, et al	)	

The defense having offered in evidence the affidavit of ISHII, Akiho, and it appearing to the Tribunal that said ISHII, Akiho is now suffering from tuberculosis and is confined in the Komoro Branch of the First Tokyo National Hospital at Komoro, Japan, and because of said illness he is unable to attend this trial and give his testimony in person, and the prosecution objecting to the admission in evidence of the testimony of the said ISHII, Akiho without opportunity to cross-examine him at this time, it is therefore duly considered by this Tribunal that the affidavit of the said ISHII, Akiho should be taken by deposition before one of the members of this Tribunal as Commissioner; and it is

ORDERED: That the deposition of the witness ISHII, Akiho, be taken before the Honorable Mr. Justice Northcroft, a member of this Tribunal, as Commissioner so to do at such

PURL: http://www.legal-tools.org/doc/6e3042/

time and place as said Commissioner may hereafter determine, that a sufficient number of reporters of this Tribunal and assistants and interpreters of this Tribunal shall record the testimony, and that said deposition when taken, translated and transcribed shall be filed with the Secretariat of this Tribunal; and is further

ORDERED: That the Secretariat of this Tribunal make the necessary arrangements for the taking of the deposition of the witness ISHII, Akiho as ordered by this Tribunal.

Dated at Tokyo, Japan, this 13th day of November 1947.

BY THE TRIBUNAL:

(Signed) Myron C. Cramer
Acting President

PURL: http://www.legal-tools.org/doc/6e3042/

Paper No. 1401
Disposes of
Paper No. 1398

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	) ORDER
	) FOR THE PRODUCTION
	) OF A CERTAIN WITNESS
- vs -	) NECESSARY TO THE
	) DEFENSE OF THE
ARAKI, Sadao, et al	) ACCUSED OKA, Takazumi
	) UNDER THE CHARTER

This matter coming on to be heard on the 14th day of November, 1947, before the Honorable Myron C. Cramer, Acting President of the Tribunal, upon the application of the accused OKA, Takazumi, for the production of a certain witness necessary to his defense, in accordance with the provisions of Section III, Article 9(e) of the Charter, the name of said witness being fully set forth in said application which is Paper No. 1398, and the Tribunal having heard the statements and arguments of counsel, and being fully advised in the premises, it is

ORDERED: That said application for the production of the following named person be granted as prayed;

TOMITA, Kenji:

a. The nationality of the witness is Japanese;

b. The witness resides at No. 3594 Hiratsuka, City of Hiratsuka, Kanagawa Prefecture and his business address is Sumitomo Bank Building, Third Floor, c/o Taiheiyo Suisan Kaisha, Nihonbashi Chuo Ku, Tokyo;

PURL: http://www.legal-tools.org/doc/fae968/

Paper No. 1407

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	) ORDER OF THE TRIBUNAL WITH REFERENCE TO THE AFFIDAVITS OF PROSECUTION WITNESSES KITA, Seiichi AKIKUSA, Shun YANAGITA, Genzo USHIROKU, Jun OTSUBA, Kajuma TOMINAGA, Keoji
- vs -	
ARAKI, Sadao, et al	

This matter coming on for decision by the Tribunal in open court this 17th day of November, 1947, with reference to the affidavits of certain prosecution witnesses whose production for cross-examination was required by the previous order of the Tribunal made in open court on the 17th day of June, 1947, and the subsequent order of the Tribunal (Paper No. 1238) extending the time for compliance with its previous order of June 1947 to October 17, 1947, and the Tribunal having heard the statements and arguments of counsel for the prosecution and the defense, and being fully advised in the premises, finds

That all of the witnesses coming within the perview of the previous order of this Tribunal made on the 17th day of June, 1947, and the order of this Tribunal subsequent thereto (Paper No. 1238) extending the time for compliance therewith to October 17, 1947, have been produced by the prosecution in compliance with the terms and requirements of

PURL: http://www.legal-tools.org/doc/ce4dd7/

said orders and an opportunity has been afforded counsel for the defense and each of the accused in this case for cross-examining said witnesses, with the exception of the following named witnesses:

KITA, Seiichi	whose affidavit was offered and received in evidence and marked Exhibit 835 as appears at page 8127 of the transcript of the record
AKIKUSA, Shun	whose affidavit was offered and received in evidence and marked Exhibit 743 as appears at page 7708 of the transcript of the record
YANAGITA, Genzo	whose affidavit was offered and received in evidence and marked Exhibit 723 as appears at page 7580 of the transcript of the record
USHIROKU, Jun	whose affidavit was offered and received in evidence and marked Exhibit 703 as appears at page 7515 of the transcript of the record
OTSUBA, Kajuma	whose affidavit was offered and received in evidence and marked Exhibit 837 as appears at page 8160 of the transcript of the record
TOMINAGA, Keoji	whose affidavit was offered and received in evidence and marked Exhibit 705 as appears at page 7526 of the transcript of the record

and the Tribunal further finds

That the prosecution has adduced convincing evidence of good reasons for its inability to produce the witness KITA, Seiichi for cross-examination,

WHEREFORE IT IS ORDERED by a majority vote of the members of the Tribunal that the affidavit of the witness KITA, Keiichi, which is Exhibit 835 in this case, will be taken into consideration for such probative value as it may

PURL: http://www.legal-tools.org/doc/ce4dd7/

have, a[illegible] affidavits of the deponents AKIKUSA, Shun (Exhibit 74[illegible] NAGITA, Genzo (Exhibit 723), USHIROKU, Jun (Exhibit 70[illegible] UBA, Kajuma (Exhibit 837) and TOMINAGA, Keoji (Exhibit [illegible]) will be disregarded by the Tribunal and will not be taken into consideration by the members of the Tribunal in their deliberations of this case.

Dated at Tokyo, Japan this 17th day of November 1947.

BY THE TRIBUNAL:

(signed) Myron C. Cramer
Acting President

SITTING:

The Honorable Mr. Justice McDougall
The Honorable Mr. Justice Ju-Ao Mei
The Honorable Mr. Justice Bernard
Lord Patrick
The Honorable Mr. Justice Roling
The Honorable Mr. Justice Northcroft
The Honorable Mr. Justice Jaranilla
Maj. Gen. of Justice I. M. Zaryanov
Maj. Gen. Myron C. Cramer

PURL: http://www.legal-tools.org/doc/ce4dd7/

Paper No. 1429
Disposes of
Paper No. 1414

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	) ORDER
	) FOR THE PRODUCTION
- vs -	) OF CERTAIN WITNESSES
	) NECESSARY TO THE
ARAKI, Sadao, et al	) DEFENSE OF THE
	) ACCUSED
	) SHIRATORI, Toshio
	) UNDER THE CHARTER

This matter coming on for hearing this 5th day of December 1947, before the Honorable Myron C. Cramer, Acting President of the Tribunal, upon the application of the Accused SHIRATORI, Toshio by SAKUMA, Shin and Charles B. Caudle, his counsel of record, for the production of witnesses necessary to his defense in accordance with the provisions of Section III, Article 9(e) of the Charter, the names and addresses of said witnesses being fully set forth in said application, which is paper No. 1414, and the Tribunal having heard the statements and arguments of counsel and being fully advised in the premises, it is

ORDERED: That said application for the production of the following named persons be granted as prayed:

1. YATSUGI, Kazuo:

   a. The nationality of the witness is Japanese;

   b. The present address of the witness is No. 5, Sakura-ga-oka-Cho Shibuya-ku, Tokyo;

2. UGAKI, Issei:

   a. The nationality of the witness is Japanese;

   b. The present address of the witness is Nagaoka-Onsen, Izu, Shizuoka Prefecture;

PURL: http://www.legal-tools.org/doc/1e241c/

3. NAGAI, Mikizo;

a. The nationality of the witness is Japanese;

b. The present address of the witness is Foreign Office, Tokyo, Japan;

4. SAITO, Yoshie:

a. The nationality of the witness is Japanese;

b. The present address of the witness is No. 42, Shoto-cho Shibuya-ku, Tokyo;

5. MISS UNO, Masuko:

a. The nationality of the witness is Japanese;

b. The present address of the witness is Ho-29. No. 10, Nishikata-machi Bunkyo-ku, Tokyo

6. MISHIMA, Yasuo:

a. The nationality of the witness is Japanese;

b. The present address of the witness is No. 27, 1-Chome, Kita-Urawa-machi Urawa-shi, Saitama Prefecture;

7. DR. MURAMATSU, Tsuneo:

a. The nationality of the witness is Japanese;

b. The present address of the witness is No. 304, 4-Chome Matsubara-cho, Setagaya-ku, Tokyo

8. ARIMA, Yoriyasu:

a. The nationality of the witness is Japanese;

b. The present address of the witness is No. 71, Sekine-cho, Suginami-ku, Tokyo;

and that summonses be issued by the General Secretary of the Tribunal commanding the said witnesses to attend the Tribunal

PURL: http://www.legal-tools.org/doc/1e241c/

Paper No. 1452
Disposes of
Paper No. 1443

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	ORDER AUTHORIZING THE CLERK TO RELEASE CERTAIN BOOKS TO OWEN CUNNINGHAM COUNSEL FOR THE ACCUSED OSHIMA, Hiroshi
- vs -	
ARAKI, Sadao, et al	

This matter coming on to be heard this 10th day of December, 1947, before the Honorable Myron C. Cramer, Acting President of the Tribunal, upon the application of Owen Cunningham, American counsel for the Accused OSHIMA, Hiroshi, for the release of certain books alleged in said application to be in the custody of the Clerk of the Tribunal, a description of said books and the reasons for their release being set forth fully in the application which is Paper No. 1443, and the Tribunal having heard the statements and arguments of counsel and being fully advised in the premises FINDS

A. That the following books set forth in said application have never been presented to the Clerk of this Tribunal and are not in his possession:

Bouviers Law Dictionary

Transcript of Nurnburg Proceedings for March 31;

B. That the following described books are now in the possession of the Clerk of this Tribunal and that

PURL: http://www.legal-tools.org/doc/81bdc1/

the same were not offered in evidence on the trial of this case:

Fenwicke Cases, AJIL (1932)
Defense Document No. 2822

Wilsons Handbook
Defense Document No. 2570

Dept. of State Bulletin (Atomic Energy)
Defense Document No. 2821

Dept. of State Bulletin (Nurnburg Experts)
Defense Document No. 2831

Fuhrer Conferences 1940, 1942 and 1943
Defense Documents Nos. 2815, 2816, 2817;

C. That the following described books which were offered in evidence and rejected are now in the possession of the Clerk of this Tribunal and have been given the rejected document numbers following their respective titles:

Fenwicke Cases, AJIL (1932)
Defense Document No. 2728
Rejected Document No. 619

Feller and Hudson (Diplomatic Laws)
Defense Document No. 2727
Rejected Document No. 623

Shirers Berlin Diary
Defense Document No. 2713
Rejected Document No. 627

Garner International Law
Defense Document No. 2729
Rejected Document No. 628

Pitt Corbetts Cases
Defense Document No. 2836
Rejected Document No. 629

Biggs on International Law
Defense Document No. 2797
Rejected Document No. 630

Oppenheim on Diplomatic Privileges
Defense Document No. 2826
Rejected Document No. 631

Digest of International Law Vol. IV Hackworth
Defense Document No. 2793
Rejected Document No. 620

PURL: http://www.legal-tools.org/doc/81bdc1/

Davies Mission to Moscow
Defense Document No. 1447
Rejected Document No. 187

Transcript of Nurnburg Proceedings
for March 29 and April 1
Defense Document No. 1449
Rejected Document No. 275

D. That the following described books were offered and marked "For Identification Only" and excerpts therefrom were admitted in evidence and marked as exhibits in this case:

Tolischus Tokyo Record - Ex. No. 2752
for Identification Only. Excerpt therefrom
admitted as Exhibit No. 2752-A

Transcript of Nurnburg Proceedings
for March 28 - Ex. No. 2763 for
Identification Only. Excerpt therefrom
admitted as Exhibit No. 2763-A

Transcript of Nurnburg Proceedings
for March 30 - Ex. No. 2692 for
Identification Only. Excerpt therefrom
admitted as Exhibit No. 2692-A

E. That all of said books now in the possession of the Clerk of this Tribunal are from the personal library of Owen Cunningham and are needed by him for the preparation of a brief in this case, and that the withdrawal of these documents and their return to said applicant will in nowise prejudice the rights of the Prosecution or of the Accused, or any of them, and that no substantial injustice will result thereby to the Prosecution or the Accused;

THEREFORE IT IS ORDERED: That the Clerk of this Tribunal is authorized and directed to release and deliver unto Owen Cunningham, American counsel for the Accused OSHIMA, Hiroshi, the following described documents now in his possession:

Fenwicke Cases, AJIL (1932)
Defense Document No. 2728
Rejected Document No. 619

PURL: http://www.legal-tools.org/doc/81bdc1/

Wilsons Handbook
Defense Document No. 2570

Feller and Hudson (Diplomatic Laws)
Defense Document No. 2727
Rejected Document No. 623

Shirers Berlin Diary
Defense Document No. 2713
Rejected Document No. 627

Garner International Law
Defense Document No. 2729
Rejected Document No. 628

Pitt Corbetts Cases
Defense Document No. 2836
Rejected Document No. 629

Biggs on International Law
Defense Document No. 2797
Rejected Document No. 630

Oppenheim on Diplomatic Privileges
Defense Document No. 2826
Rejected Document No. 631

Dept. of State Bulletin (Atomic Energy)
Defense Document No. 2821

Dept. of State Bulletin (Nurnburg Experts)
Defense Document No. 2831

Digest of International Law Vol. IV Hackworth
Defense Document No. 2793
Rejected Document No. 620

Davies Mission to Moscow
Defense Document No. 1447
Rejected Document No. 187

Fuhrer Conferences 1940, 1942 and 1943
Defense Documents Nos. 2815, 2816, 2817

Transcript of Nuremberg Proceedings
for March 29 and April 1
Defense Document No. 1449
Rejected Document No. 275;

and it is further

ORDERED: That the following described books be withdrawn from the files of the Tribunal forthwith and delivered to Owen Cunningham, American counsel for Accused OSHIMA, Hiroshi, under the express term and condition, however that said documents shall be returned to the Tribunal

PURL: http://www.legal-tools.org/doc/81bdc1/

upon request in the event either the Tribunal or the Prosecution or the Defense should desire them for the purpose of this trial:

Tolischus Tokyo Record - Ex. No. 2752
for Identification Only

Transcript of Nurnburg Proceedings for
March 28 - Ex. No. 2763 for
Identfication Only

Transcript of Nurnburg Proceedings for
March 30 - Ex. No. 2692 for
Identification Only;

and it is further

ORDERED: That the excerpts from Court Exhibits Nos. 2752, 2763 and 2692, to wit: Court Exhibits Nos. 2752-A, 2763-A and 2692-A shall remain in the files and records of the Tribunal, and that this order in no respect affects their present status;

and it is further

ORDERED: That the application for the release and return of the following described books which are not in the possession of the Clerk of this Tribunal be dismissed:

Bouviers Law Dictionary

Transcript of Nurnburg Proceedings
for March 31.

BY THE TRIBUNAL:

(signed) Myron C. Cramer
Acting President

PURL: http://www.legal-tools.org/doc/81bdc1/

on the 8th day of December, 1947, and thereafter as required, and testify before the Tribunal as witnesses for the said Accused SHIRATORI, Toshio.

BY THE TRIBUNAL:

(signed) Myron C. Cramer
Acting President

PURL: http://www.legal-tools.org/doc/81bdc1/

Paper No. 1479
Disposes of
Paper No. 1477

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al - vs - ARAKI, Sadao, et al	ORDER FOR THE PRODUCTION OF A CERTAIN WITNESS NECESSARY FOR THE DEFENSE OF THE ACCUSED UMEZU, Yoshijiro UNDER THE CHARTER

This matter coming on to be heard on the 6th day of January 1948, before the Honorable Sir William Webb, President of the Tribunal, upon the application of the Accused UMEZU, Yoshijiro, for the production of a certain witness necessary to his defense, in accordance with the provisions of Section III, Article 9(e) of the Charter, the name of said witness being fully set forth in said application which is Paper No. 1477, and the Tribunal having heard the statements and arguments of counsel, and being fully advised in the premises, it is

ORDERED: That said application for the production of the following named person be granted as prayed:

GENERAL NISHIO, TOSHIZO,
also known as NISHIO, JUZO

a. The nationality of the witness is Japanese;

b. The present address of the witness is Sugamo Prison;

and that a summons be issued by the General Secretary of the Tribunal commanding the said witness to attend the Tribunal on the 7th day of January 1948, and thereafter as his attendance may be required, and testify before said Tribunal as a witness for the Defense.

BY THE TRIBUNAL:

(signed) W. F. Webb
President

PURL: http://www.legal-tools.org/doc/3debcc/

Paper No. 1485
Disposes of
Paper No. 1484

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	) ORDER
	) GRANTING LEAVE TO
- vs -	) REOPEN THE CASE OF THE
	) ACCUSED HOSHINO, Naoki
ARAKI, Sadao, et al	) FOR THE PURPOSE OF PRE-
	) SENTING CERTAIN DOCUMENTS

This matter coming on to be heard this 8th day of January, 1948, before the Honorable Sir William Webb, President of the Tribunal, upon the application of the Accused HOSHINO, Naoki, by his counsel MIGITA, Masao and FUJII, Coichiro, for leave to reopen the case of said Accused HOSHINO, Naoki, whose individual defense was concluded and rested on the 24th day of September, 1947, for the purpose of offering certain documents in evidence on his behalf, said documents being set forth in said application which is Paper No. 1484, reference to which is hereby made, to meet evidence contained in the additional affidavit of the witness MURAKAMI, Keisaku, affecting said accused HOSHINO, which additional affidavit was offered by the Prosecution of the U.S.S.R. and admitted by the Tribunal in evidence as Exhibit 3372 on the 29th day of October 1947, on the condition that any accused affected thereby might have the right not only to cross-examine said witness MURAKAMI, Keisaku, but also to give additional evidence at a later date (R. 32,097), and the Tribunal having heard the statements and arguments of counsel for said Accused and the Prosecution and being fully advised in the premises, it is

PURL: http://www.legal-tools.org/doc/d0045a/

Paper No. 1491
Disposes of Oral Application
and Paper No. 1480

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

UNITED STATES OF AMERICA, et al	) ORDER
	) GRANTING PERMISSION
- vs -	) TO REOPEN CASE OF
	) ACCUSED OSHIMA, Hiroshi
ARAKI, Sadao, et al	) FOR THE PURPOSE OF OFFERING
	) ADDITIONAL TESTIMONY

This matter coming on for decision by the Tribunal in open court this 8th day of January, 1948, upon the application of the Accused OSHIMA, Hiroshi, by his counsel of record, for leave to reopen his individual case for the purpose of offering testimony of two additional witnesses to combat certain testimony introduced and admitted in the individual case of the Accused TOGO subsequent to the conclusion of the presentation of the individual defense of said Accused OSHIMA, said application having been made orally in open court on the 16th day of December 1947 and renewed in Chambers on the 7th day of January 1948 by written application which is Paper No. 1480, reference to which is hereby made and which sets forth the names of the witnesses intended to be offered in behalf of said Accused OSHIMA, and the Tribunal having heard the statements and arguments of counsel for said Accused and the Prosecution, and being fully advised in the premises, it is

ORDERED: That the Accused OSHIMA, Hiroshi, be allowed to reopen his case for the purpose of offering the evidence of two witnesses, KOGIMA and GODO; and it is further

PURL: http://www.legal-tools.org/doc/f1c9bb/

ORDERED: That the Accused HOSHINO, Naoki, be allowed to reopen his case for the purpose of offering the following documents:

1. Excerpts from the draft of Great East Co-prosperity Sphere (Ex. 688)
   Title Page Def. Doc. 2964-A
   Page 1 thereof Def. Doc. 2964-B

2. Excerpts from the First Total War Table Maneuver (Ex. 870)
   Page 1 thereof Def. Doc. 2965-A
   Page 2 thereof Def. Doc. 2965-B

3. Excerpt from Record of the First Total War Table Maneuver (Ex. 871)
   Title page Def. Doc. 2966

4. Regulation concerning the students of the Total War Research Institute
   Def. Doc. 2967

and it is further

ORDERED: That all objections which the Prosecution may have to the admission in evidence of said documents are reserved to the Prosecution, subject to be made at such time as said documents are offered.

BY THE TRIBUNAL:

(signed) W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/f1c9bb/

Paper No. 1491
Disposes of Oral Application
and Paper No. 1480

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

UNITED STATES OF AMERICA, et al	) ORDER
	) GRANTING PERMISSION
- vs -	) TO REOPEN CASE OF
	) ACCUSED OSHIMA, Hiroshi
ARAKI, Sadao, et al	) FOR THE PURPOSE OF OFFERING
	) ADDITIONAL TESTIMONY

This matter coming on for decision by the Tribunal in open court this 8th day of January, 1948, upon the application of the Accused OSHIMA, Hiroshi, by his counsel of record, for leave to reopen his individual case for the purpose of offering testimony of two additional witnesses to combat certain testimony introduced and admitted in the individual case of the Accused TOGO subsequent to the conclusion of the presentation of the individual defense of said Accused OSHIMA, said application having been made orally in open court on the 16th day of December 1947 and renewed in Chambers on the 7th day of January 1948 by written application which is Paper No. 1480, reference to which is hereby made and which sets forth the names of the witnesses intended to be offered in behalf of said Accused OSHIMA, and the Tribunal having heard the statements and arguments of counsel for said Accused and the Prosecution, and being fully advised in the premises, it is

ORDERED: That the Accused OSHIMA, Hiroshi, be allowed to reopen his case for the purpose of offering the evidence of two witnesses, KOGIMA and GODO; and it is further

PURL: http://www.legal-tools.org/doc/d9c188/

ORDERED: That all objections which the Prosecution may have to the admission in evidence of the affidavits of said witnesses are reserved to the Prosecution, subject to being made at such time as said affidavits are offered in evidence.

BY THE TRIBUNAL:

(signed) W. F. Webb
PRESIDENT

All Members of the
Tribunal Sitting.

PURL: http://www.legal-tools.org/doc/d9c188/

Paper No. 1492
Disposes of
Oral Application
made in Chambers

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al

- vs -

ARAKI, Sadao, et al

) ORDER
) GRANTING PERMISSION
) TO REOPEN THE
) INDIVIDUAL CASE OF
) ACCUSED ARAKI, Sadao
) AND DENYING REVIEW
) OF TRIBUNAL'S PRE-
) VIOUS DECISION
) REJECTING DOCUMENTS

This matter coming on for decision by the Tribunal in open court this 8th day of January, 1948, upon the oral application made in Chambers on the 7th day of January 1948, by the Accused ARAKI, Sadao through his counsel of record, for permission of the Tribunal to reopen his individual case

(a) for the purpose of presenting additional evidence; and

(b) for reconsideration by the Tribunal of its previous rulings rejecting certain documents offered in evidence on behalf of said Accused ARAKI during the presentation of his individual case;

counsel for said Accused ARAKI having submitted orally the nature of the evidence proposed to be offered in the event said application should be granted and the previous rulings of the Tribunal for which reconsideration is requested, and the President of the Tribunal having waived the rules for the purpose of having said application recorded as an ordinary application in Chambers to which counsel for the Prosecution has interposed no objection, all of which is fully set forth in the record of the proceedings in Chambers on the 7th day of

PURL: http://www.legal-tools.org/doc/34e483/

January, 1948, reference to which is hereby made;

And the Tribunal having heard the statements and arguments of counsel for said Accused ARAKI and the Prosecution, and being fully advised in the premises, it is

ORDERED: That the individual case of said Accused ARAKI, Sadao, may be reopened for the purpose of offering further evidence in reply to the supplementary affidavit of the witness TAKEBE offered by the Prosecution on the 27th day of October, 1947, and admitted in evidence as Exhibit 3371 at a time subsequent to the conclusion of the individual case of said Accused ARAKI; and it is further

ORDERED: That the application to reconsider the previous decisions of this Tribunal wherein documents offered on behalf of said Accused ARAKI were rejected be and the same hereby is denied; and it is further

ORDERED: That all objections which the Prosecution may have to the admission in evidence of any further evidence offered on behalf of said Accused ARAKI are reserved to the Prosecution, subject to being made at such time as said affidavits are offered in evidence.

BY THE TRIBUNAL:

(signed) W. F. Webb
PRESIDENT

All Members of the
Tribunal Sitting

PURL: http://www.legal-tools.org/doc/34e483/

Paper No. 1499
Disposes of
Paper No. 1497

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	) ORDER
	) GRANTING PERMISSION
	) TO REOPEN THE INDIVIDUAL
- vs -	) CASE OF HIROTA, Koki
	) FOR THE PURPOSE OF
	) OFFERING CERTAIN
ARAKI, Sadao, et al	) ADDITIONAL EVIDENCE

This matter coming on in open court for decision by the Tribunal on the 8th day of January, 1948, upon the application of the Accused HIROTA, Koki, by his counsel, for permission of the Tribunal to reopen his individual case for the purpose of offering certain evidence now available to said Accused Hirota, but which was not available and could not be offered at the time the presentation of evidence in the individual case of said Accused HIROTA was concluded, the documents to be offered upon the reopening of the individual case of said Accused HIROTA being fully set forth and described in said application which is Paper No. 1497, and the Tribunal having heard the statements and arguments of counsel and being fully advised in the premises, it is

ORDERED: That said application is granted as prayed and that the individual case of the Accused HIROTA, Koki, may be reopened for the purpose of offering in behalf of said Accused HIROTA the following described documents:

1. Defense Documents Nos. 2790, 2790-A,B,C,D, E,I,F,G, and 2773 (Affidavits and Statements of former Ambassadors Grew and Bassompierre)

PURL: http://www.legal-tools.org/doc/060d0c/

2. Defense Document No. 2486 (Interrogatories propounded to the Rt. Hon. Sir Robert L. Craigie, former British Ambassador to Tokyo, and his answers thereto transmitted by cable under authority of the previous order of this Tribunal bearing Paper No. 1331

and it is further

ORDERED: That all objections which the Prosecution may have to the admission in evidence of the aforementioned documents are reserved to the Prosecution, subject to being made at such time as said documents are offered in evidence.

BY THE TRIBUNAL:

(signed) W. F. Webb
PRESIDENT

All Members of the
Tribunal Sitting.

PURL: http://www.legal-tools.org/doc/060d0c/

Paper No. 1504
Disposes of
Oral Application

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	) ORDER
	) ALLOWING ACCUSED
	) SHIMADA, Shigetaro
- vs -	) TO REOPEN HIS
	) INDIVIDUAL CASE
	)
ARAKI, Sadao, et al	)

This matter coming on for decision by the Tribunal in open court on the 8th day of January, 1948, upon the oral application made on behalf of the accused SHIMADA, Shigetaro, by his counsel in open court on the 19th day of December, 1947, for permission of the Tribunal to reopen the individual defense of said Accused SHIMADA, for the purpose of answering certain statements made by the Accused TOGO, which statements affected said Accused SHIMADA and were made and admitted in evidence at a time subsequent to the closing of the individual defense of said Accused SHIMADA, which application was renewed orally in open court on the 8th day of January, 1948, and the Tribunal having heard the statements and arguments of counsel and being fully advised in the premises, it is

ORDERED: That the application of the Accused SHIMADA, Shigetaro, is granted and he is allowed to reopen his individual case for the purpose of resuming the stand and offering his evidence in answer to the statements made by the Accused TOGO subsequent to the closing of the

PURL: http://www.legal-tools.org/doc/929f1a/

individual defense of said Accused SHIMADA.

BY THE TRIBUNAL:

(signed) W. F. Webb
President

SITTING:

The Honorable Sir William Webb
The Honorable Mr. Justice McDougall
The Honorable Mr. Justice Ju-Ao Mei
The Honorable Mr. Justice Bernard
The Honorable Mr. Justice Pal
Lord Patrick
The Honorable Mr. Justice Roling
The Honorable Mr. Justice Northcroft
Maj. Gen. of Justice I. M. Zaryanov
Maj. Gen. Myron C. Cramer

PURL: http://www.legal-tools.org/doc/929f1a/

Paper No. 1505
Disposes of Papers
Nos. 1474, 1475, 1486

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al
- vs -
- vs -
ARAKI, Sadao, et al

ORDER GRANTING APPLICATIONS OF PROSECUTION FOR EXEMPTION FROM RULE 6(b)(1) WITH RESPECT TO PROSECUTION DOCUMENT NO. 3150

This matter coming on to be heard this 12th day of January, 1948, before the Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution for an order of exemption from the provisions of Rule 6(b)(1) of the Rules of Procedure of the International Military Tribunal for the Far East, with respect to International Prosecution Section Document No. 3150, which document is a photostatic copy of the SAIONJI-HARADA MEMOIRS, portions of which the Prosecution intend to be adduced in evidence, so as to permit the Prosecution to serve upon the Accused or their counsel copies of excerpts only from said document in both the Japanese and English language in the place and stead of the entire original document, the excerpts referred to being fully set forth in said applications which are Paper Nos. 1474, 1475 and the Tribunal having heard the statements and arguments of counsel and being fully advised in the premises, is is

ORDERED: That said applications be and are hereby granted as prayed, subject however, to any further order of the Tribunal hereafter made upon application of the Defense requiring additional excerpts to be served upon the Accused or their counsel in Japanese or English.

BY THE TRIBUNAL:

(signed) W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/db69e9/

Paper No. 1506
Disposes of
Paper No. 1476

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	) ORDER
	) GRANTING APPLICATION
	) OF PROSECUTION FOR
- vs -	) EXEMPTION FROM RULE 6(b)(1)
	) WITH RESPECT TO
	) PROSECUTION DOCUMENTS
ARAKI, Sadao, et al	) NOS. 3008, 3030-B, 3030-C,
	) 3333, 3146-A AND 3196-A

This matter coming on to be heard the 12th day of January, 1948, before the Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution for an order of exemption from the provisions of Rule 6(b)(1) of the Rules of Procedure of the International Military Tribunal for the Far East, with respect to International Prosecution Section Documents Nos. 3008, 3030-B, 3030-C, 3333, 3146-A and 3196-A, portions of which the Prosecution intend to be adduced in evidence, so as to permit the Prosecution to serve upon the Accused or their counsel copies of excerpts only from said documents in both the Japanese and English language in the place and stead of the entire original documents, said original documents having been lodged with the Clerk of the Tribunal with said application which is Paper No. 1476, translations of the excerpts intended to be adduced into evidence being attached thereto; and the Tribunal having heard the statements and arguments of counsel and being fully advised in the premises, it is

ORDERED: That said application be and is hereby granted as prayed, subject, however, to any further order of the Tribunal hereafter made upon application of the Defense

PURL: http://www.legal-tools.org/doc/371a66/

requiring additional excerpts to be served upon the Accused or their counsel in Japanese or English.

BY THE TRIBUNAL:

(signed) W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/371a66/

Paper No. 1507
Disposes of
Paper No. 1483

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	) ORDER
	) GRANTING APPLICATION
	) OF PROSECUTION FOR
- vs -	) EXEMPTION FROM RULE 6(b)(1)
	) WITH RESPECT TO
	) PROSECUTION DOCUMENTS
ARAKI, Sadao, et al	) NOS. 3048, 3091,
	) 3098 AND 3332

This matter coming on to be heard the 12th day of January, 1948, before the Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution for an order of exemption from the provisions of Rule 6(b)(1) of the Rules of Procedure of the International Military Tribunal for the Far East, with respect to International Prosecution Section Documents Nos. 3048, 3091, 3098 and 3332, portions of which the Prosecution intend to be adduced in evidence, so as to permit the Prosecution to serve upon the Accused or their counsel copies of excerpts only from said documents in both the Japanese and English language in the place and stead of the entire original documents, said original documents having been lodged with the Clerk of the Tribunal with said application which is Paper No. 1483, translations of the excerpts intended to be adduced into evidence being attached thereto; and the Tribunal having heard the statements and arguments of counsel and being fully advised in the premises, it is

PURL: http://www.legal-tools.org/doc/f801c1/

ORDERED: That said application be and is hereby granted as prayed, subject, however, to any further order of the Tribunal hereafter made upon application of the Defense requiring additional excerpts to be served upon the Accused or their counsel in Japanese or English.

BY THE TRIBUNAL:

(signed) W. F. Webb
PRESIDENT

URL: http://www.legal-tools.org/doc/f801c1/

Paper No. 1508
Disposes of
Paper No. 1490

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	) ORDER
	) GRANTING APPLICATION
	) OF PROSECUTION FOR
- vs -	) EXEMPTION FROM RULE 6(b)(1)
	) WITH RESPECT TO
	) PROSECUTION DOCUMENTS
ARAKI, Sadao, et al	) NOS. 3150-39-A AND 3350

This matter coming on to be heard this 12th day of January, 1948, before the Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution for an order of exemption from the provisions of Rule 6(b)(1) of the Rules of Procedure of the International Military Tribunal for the Far East, with respect to International Prosecution Section Documents Nos. 3150-39-A and 3350, portions of which the Prosecution intend to be adduced in evidence, so as to permit the Prosecution to serve upon the Accused or their counsel copies of excerpts only from said documents in both the Japanese and English language in the place and stead of the entire original documents, which documents are excerpts from materials set forth in said application (Paper No. 1490), a translation of said Document No. 3150-39-A being attached to said application and the excerpts from Document No. 3350 marked at pages 48-49 and 50-51 of said Document which is lodged with the Clerk of the Tribunal; and the Tribunal having heard the statements and arguments of counsel and being fully advised in the premises, it is

PURL: http://www.legal-tools.org/doc/e7f8f5/

ORDERED: That said application be and is hereby granted as prayed, subject, however, to any further order of the Tribunal hereafter made upon application of the Defense requiring additional excerpts to be served upon the Accused or their counsel in Japanese or English.

BY ORDER OF THE TRIBUNAL:

(signed) W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/e7f8f5/

Paper No. 1509
Disposes of
Paper No. 1493

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al

- vs -

ARAKI, Sadao, et al

) ORDER
) GRANTING APPLICATION
) OF PROSECUTION FOR
) EXEMPTION FROM RULE 6(b)(1
) WITH RESPECT TO
) PROSECUTION DOCUMENTS
) NOS. 3104(2), 3217-A,
) 3217-B AND 3030-Q

This matter coming on to be heard the 12th day of January, 1948, before the Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution for an order of exemption from the provisions of Rule 6(b)(1) of the Rules of Procedure of the International Military Tribunal for the Far East, with respect to International Prosecution Section Documents Nos. 3104(2), 3217-A, 3217-B and 3030-Q, portions of which the Prosecution intend to be adduced in evidence, so as to permit the Prosecution to serve upon the Accused or their counsel copies of excerpts only from said documents in both the Japanese and English language in the place and stead of the entire original documents, the excerpts referred to in said application being clearly marked in the originals of said documents and English translations thereof being attached to said application which is Paper No. 1493; and the Tribunal having heard the statements and arguments of counsel and being fully advised in the premises, it is

PURL: http://www.legal-tools.org/doc/926120/

ORDERED: That said application be and is hereby granted as prayed, subject, however, to any further order of the Tribunal hereafter made upon application of the Defense requiring additional excerpts to be served upon the Accused or their counsel in Japanese or English.

BY THE TRIBUNAL:

(signed) W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/926120/

Paper No. 1510
Disposes of
Paper No. 1500

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al

- vs -

ARAKI, Sadao, et al

) ORDER
) GRANTING APPLICATION
) OF PROSECUTION FOR
) EXEMPTION FROM RULE 6(b)(1)
) WITH RESPECT TO
) PROSECUTION DOCUMENTS
) NOS. 3354, 3030-K
) AND 3055

This matter coming on to be heard the 12th day of January, 1948, before the Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution for an order of exemption from the provisions of Rule 6(b)(1) of the Rules of Procedure of the International Military Tribunal for the Far East, with respect to International Prosecution Section Documents Nos. 3354, 3030-K and 3055, portions of which the Prosecution intend to be adduced in evidence, so as to permit the Prosecution to serve upon the Accused or their counsel copies of excerpts only from said documents in both the Japanese and English language in the place and stead of the entire original documents, the excerpts referred to in said application being clearly marked in the originals of said documents and English translations thereof being attached to said application which is Paper No. 1500; and the Tribunal having heard the statements and arguments of counsel and being fully advised in the premises, it is

ORDERED: That said application be and is hereby granted as prayed, subject, however, to any further order of the Tribunal hereafter made upon application of the Defense

PURL: http://www.legal-tools.org/doc/a66205/

requiring additional excerpts to be served upon the Accused or their counsel in Japanese or English.

BY THE TRIBUNAL:

(signed) W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/a66205/

Paper No. 1511
Disposes of
Paper No. 1494

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al

- vs -

ARAKI, Sadao, et al

) ORDER
) GRANTING APPLICATION
) OF PROSECUTION FOR
) EXEMPTION FROM RULE 6(b)(1)
) WITH RESPECT TO
) PROSECUTION DOCUMENT
) NO. 3349

This matter coming on to be heard the 14th day of January, 1948, before the Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution for an order of exemption from the provisions of Rule 6(b)(1) of the Rules of Procedure of the International Prosecution Section Document No. 3349, portions of which the Prosecution intend to be adduced in evidence, so as to permit the Prosecution to serve upon the Accused or their counsel copies of excerpts only from said document in both the Japanese and English language in the place and stead of the entire original document, the excerpts referred to in said application being marked in said Document No. 3349, the document having been lodged with the Clerk of the Tribunal with this application which is Paper No. 1494; and the Tribunal having heard the statements and arguments of counsel and being fully advised in the premises, it is

PURL: http://www.legal-tools.org/doc/d10419/

ORDERED: That said application be and is hereby granted as prayed, subject, however, to any further order of the Tribunal hereafter made upon application of the Defense requiring additional excerpts to be served upon the Accused or their counsel in Japanese or English.

BY THE TRIBUNAL:

(signed) W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/d10419/

Paper No. 1512
Disposes of
Paper No. 1498

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al
- vs -
ARAKI, Sadao, et al

ORDER
FOR THE RETURN OF THE
DIARY OF KIDO, Koichi
FOR 1930-1945 INCLUSIVE
(EX. NO. 178 FOR IDENT.)

This matter coming on to be heard this 12th day of January, 1948, before the Honorable Sir William Webb, President of the Tribunal, upon the application of the Accused KIDO, Koichi, by Shigetake Hozumi and William Logan, Jr., his counsel, for the return of the diary of said Accused KIDO for the years 1930 to 1945 inclusive, and the delivery of said diary to the Accused KIDO, said application being Paper No. 1498, and the Tribunal having heard the statements and arguments of counsel and being fully advised in the premises, and it appearing to the Tribunal that said original diary was surrendered by said Accused KIDO on or about the 21st day of December, 1945, to a representative of the International Prosecution Section upon the promise and agreement of said representative that the diary would be returned; that said original diary for the years 1930 to 1945 inclusive has been introduced and marked as Exhibit No. 178 for Identification Only; and it further appearing to the Tribunal that both the Prosecution and counsel for said Accused KIDO are in possession of one complete photostatic copy of said

PURL: http://www.legal-tools.org/doc/31587e/

Exhibit No. 178 for Identification Only and that no substantial injustice or prejudice to the rights of the Prosecution or of the Accused, or any of them, will result from the withdrawal of the original diary from the files of the Clerk of this Tribunal, it is

ORDERED: That said application be and is hereby granted; and it is further

ORDERED: That Court Exhibit No. 178 for Identification Only, being the original of the diary of KIDO, Koichi, for the years 1930 to 1945 inclusive, be withdrawn from the files of the Tribunal forthwith and delivered to said Accused KIDO, Koichi or his counsel in his behalf, upon the express term and condition, however, that said document shall be returned to the Tribunal upon request in the event that either the Tribunal or the Prosecution or the Defense should require it for the purpose of this trial; and it is further

ORDERED: That all excerpts from said Court Exhibit No. 178 for Identification Only which have been admitted into evidence shall remain in the files and records of the Tribunal and that this order in no respect affects their present status.

BY THE TRIBUNAL:

(signed) W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/31587e/

Paper No. 1522
Disposes of
Paper No. 1514

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	) ORDER
	) GRANTING WITHDRAWAL
	) FROM THE FILES OF
- vs -	) THE TRIBUNAL OF
	) COURT EXHIBITS
	) NOS. 2401 and 2403
ARAKI, Sadao, et al	)

This matter coming on to be heard this 21st day of January, 1948, before the Honorable Sir William Webb, President of the Tribunal, upon the application of the Accused ITAGAKI, Seishiro by YAMADA, Honzo and Floyd J. Mattice, his counsel, for leave to withdraw from the files of the Tribunal two documents, being Court Exhibit No. 2401, "Testament of HONJO, Shigeru", and Court Exhibit No. 2403, "True Nature of the Manchurian Incident" written by HONJO, Shigeru, for the purpose of returning said documents to the family of the late HONJO, Shigeru, from whom said documents were borrowed for the purpose of being introduced as evidence in this case, said application being Paper No. 1514;

And the Tribunal having heard the statements and arguments of counsel for said Accused ITAGAKI, Seishiro, and being fully advised in the premises, and it appearing to the Tribunal that said documents were introduced and received in evidence in this case as Court Exhibits Nos. 2401 and 2403 and have served their purpose, and that the family of the said

PURL: http://www.legal-tools.org/doc/ab6d04/

late HONJO, Shigeru, to whom said documents are precious mementos, has requested their return as expeditiously as possible; and it further appearing to the Tribunal that no substantial injustice or prejudice to the rights of the Prosecution or the Accused, or any of them, will result from the withdrawal of said documents from the files of this Tribunal, and the Prosecution has interposed no objection to their withdrawal and return to the family of the late HONJO, Shigeru, it is

ORDERED: That Court Exhibits Nos. 2401 and 2403 be withdrawn from the files of the Tribunal forthwith and returned to the family of the late HONJO, Shigeru, upon the express term and condition, however, that said documents shall be returned to the Tribunal upon request in the event that either the Tribunal or the Prosecution or the Defense should require them for the purpose of this trial.

BY THE TRIBUNAL:

(signed) W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/ab6d04/

Paper No. 1523
Disposes of
Paper No. 1518

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	) ORDER
	) GRANTING WITHDRAWAL
	) FROM THE FILES OF
- vs -	) THE TRIBUNAL OF
	) COURT EXHIBITS
	) NOS. 3643 and 3654
ARAKI, Sadao, et al	)

This matter coming on to be heard this 21st day of January, 1948, before the Honorable Sir William Webb, President of the Tribunal, upon the application of the Accused TOGO, Shigenori, for leave to withdraw from the files of the Tribunal the original documents which were offered for identification only and marked Exhibit No. 3643 for Identification Only and Exhibit No. 3654 for Identification Only, said documents being fully described in said application which is Paper No. 1518, to the end that said documents may be returned forthwith to the Japanese Foreign Ministry from which they were secured;

And the Tribunal having heard the statements and arguments of counsel for said Accused and being fully advised in the premises, and it appearing to the Tribunal that said Exhibits Nos. 3643 for Identification Only and 3654 for Identification Only are required for carrying on the business of the Japanese Fore[illegible]nistry, the source from which they

PURL: http://www.legal-tools.org/doc/7d4ee1/

were obtained, and that no substantial injustice or prejudice to the rights of the Prosecution or the Accused, or any of them, will result from the withdrawal of said documents and their return to the source from which they were obtained; and it further appearing that the Prosecution has interposed no objection thereto, it is

ORDERED: That said application be and it is hereby granted; and it is further

ORDERED: That Court Exhibits Nos. 3643 for Identification Only and 3654 for Identification Only be withdrawn from the files of the Tribunal forthwith and returned to the Japanese Foreign Ministry, the source from which they were obtained, upon the express term and condition, however, that said documents shall be returned to the Tribunal upon request in the event that either the Tribunal or the Prosecution or the Defense should require them or either of them for the purpose of this trial; and it is further

ORDERED: That all excerpts from said Court Exhibits Nos. 3643 for Identification Only and 3654 for Identification Only which have been admitted into evidence shall remain in the files and records of the Tribunal, and that this order in no respect affects their present status.

BY THE TRIBUNAL:

(signed) W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/7d4ee1/

Paper No. 1539
Disposes of
Oral Application

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	) ORDER
	) GRANTING APPLICATION
	) OF DEFENSE FOR
- vs -	) A RECESS OF
	) THE TRIBUNAL
	)
ARAKI, Sadao, et al	)

This matter coming on for consideration and decision by the Tribunal this 3rd day of February, 1948, upon the oral application of counsel for the Defense made this day in open court for an order of the Tribunal recessing the sitting of the Tribunal for a reasonable time to permit the Defense to prepare the balance of its evidence to be presented in reply to the rebuttal evidence of the Prosecution, and the Tribunal having heard the statements and arguments of counsel for the Defense in support of said application, and of counsel for the Prosecution in opposition thereto;

And it appearing to the Tribunal that counsel for certain of the Accused have further evidence which they desire to adduce on behalf of their clients, which evidence is now being prepared for presentation to the Tribunal, and that at this stage of the proceedings the Defense is not prepared to go forward with the presentation of its evidence and that a recess is necessary to allow counsel for the Defense to complete the preparation of the balance of the evidence which they desire to adduce before the Tribunal, it is therefore

PURL: http://www.legal-tools.org/doc/c95609/

ORDERED: That the application of the Defense be and it is hereby granted, and that the Tribunal stand recessed from 1125 hours on the 3rd day of February, 1948, to reconvene on the 9th day of February, 1948, at 0930 hours.

BY THE TRIBUNAL:

(signed) W. F. Webb
PRESIDENT

SITTING:

The Honorable Sir William F. Webb
The Honorable Mr. Justice McDougall
The Honorable Mr. Justice Ju-Ao Mei
The Honorable Mr. Justice Bernard
The Honorable Mr. Justice Pal
The Honorable Mr. Justice Roling
The Honorable Mr. Justice Northcroft
Major General Myron C. Cramer

PURL: http://www.legal-tools.org/doc/c95609/

Paper No. 1543
Disposes of
Oral Application

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	)ORDER)GRANTING APPLICATION)FOR WITHDRAWAL OF)DEFENSE DOCUMENT)NO. 3072, PRESENTLY IN)THE POSSESSION OF THE)CLERK OF THE TRIBUNAL.
-vs-	
ARAKI, Sadao, et al	

This matter coming on for consideration and decision by the Tribunal this 10th day of February, 1948, upon the oral application made in open court by Owen Cunningham, American counsel for the Accused OSHIMA, Hiroshi, for the release and return of a certain book entitled "NAZI-SOVIET RELATIONS, 1939-1941", a Department of State Publication (1948), being Defense Document No. 3072, which book is now in the possession and under the control of the Clerk of this Tribunal,

And it appearing to the Tribunal that said book was offered but not received in evidence as an exhibit nor marked for identification, and that all excerpts therefrom which were offered in evidence were rejected, and that there is no purpose in the further retention of said book by the Clerk of this Tribunal, it is

PURL: http://www.legal-tools.org/doc/58f424/

ORDERED: That said application be granted as prayed, and that said Defense Document No. 3072, being a book entitled "NAZI-SOVIET RELATIONS, 1939-1941", be returned by the Clerk of this Tribunal to Owen Cunningham, American counsel for the Accused OSHIMA, Hiroshi.

BY THE TRIBUNAL:

(signed) W. F. Webb
PRESIDENT

SITTING:

The Honorable Sir William F. Webb
The Honorable Mr. Justice McDougall
The Honorable Mr. Justice Ju-Ao Mei
The Honorable Mr. Justice Bernard
The Honorable Mr. Justice Pal
The Honorable Mr. Justice Roling
The Honorable Mr. Justice Northcroft
The Honorable Mr. Justice Jaranilla
Maj. Gen. of Justice I. M. Zaryanov
Maj. Gen. Myron C. Cramer

PURL: http://www.legal-tools.org/doc/58f424/

Paper No. 1550
Disposes of
Paper No. 1542

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al

- vs -

ARAKI, Sadao, et al

)ORDER
)DISMISSING SUPPLEMENT
)TO THE GENERAL MOTION
)TO DISMISS ON BEHALF OF
)SOME DEFENDANTS FILED AT
)THE CONCLUSION OF THE
)EVIDENCE ON BEHALF OF THE
)PROSECUTION AND RENEWED
)AT THE CONCLUSION OF
)ALL THE EVIDENCE.

This matter coming on for consideration and decision by the Tribunal this 10th day of February, 1948, upon the supplement filed on behalf of the Accused ARAKI, Sadao, DOHIHARA, Kenji, HATA, Shunroku, HIRANUMA, Kiichiro, HIROTA, Koki, HOSHINO, Naoki, ITAGAKI, Seishiro, KIDO, Koichi, KIMURA, Heitaro, KOISO, Kuniaki, MATSUI, Iwane, MINAMI, Jiro, SATO, Kenryo, SHIMADA, Shigetaro, SHIRATORI, Toshio, TOGO, Shigenori and UMEZU, Yoshijiro, by their counsel of record to the general motion to dismiss, which was filed on behalf of some of the Accused at the conclusion of the evidence on behalf of the Prosecution and renewed at the conclusion of all the evidence, by adding two new paragraphs to said motion, which paragraphs are fully set forth in the supplement to the general motion which is Paper No. 1542, said supplement having been submitted without argument by counsel for the Defense and the Prosecution, and the Tribunal being fully advised in the

PURL: http://www.legal-tools.org/doc/4d375a/

premises, it is

ORDERED: That said motion be and it hereby is dismissed.

BY THE TRIBUNAL:

(signed) W. F. Webb
PRESIDENT

SITTING:

The Honorable Sir William F. Webb
The Honorable Mr. Justice McDougall
The Honorable Mr. Justice Ju-Ao Mei
The Honorable Mr. Justice Pal
The Honorable Mr. Justice Roling
The Honorable Mr. Justice Northcroft
The Honorable Mr. Justice Jeranilla
Maj. Gen. of Justice I. M. Zaryanov
Maj. Gen. Myron C. Cramer

PURL: http://www.legal-tools.org/doc/4d375a/

Paper No. 1551
Disposes of
Paper No. 1538

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al

- vs -

ARAKI, Sadao, et al

)ORDER
)DISMISSING MOTION ON
)BEHALF OF CERTAIN ACCUSED
)DIRECTED TO THE JURIS-
)DICTION OF THE TRIBUNAL
)AND THE POWERS VESTED
)IN THE SUPREME COMMANDER
)ALLIED POWERS

This matter coming on for consideration and decision by the Tribunal upon the motion filed on behalf of the Accused HATA, Shunroku, HIROTA, Koki, HOSHINO, Naoki, ITAGAKI, Seishiro, KAYA, Okinori, KIMURA, Heitaro, KOISO, Kuniaki, MATSUI, Iwane, MINAMI, Jiro, OKA, Takasumi, SATO, Kenryo, SHIMADA, Shigetaro, SHIRATORI, Toshio, SUZUKI, Teiichi, TOGO, Shigenori, UMEZU, Yoshijiro and MUTO, Akira, by their counsel of record for an order adjudging that the International Military Tribunal for the Far East is without jurisdiction or authority in law to hear and determine the indictment lodged with the Tribunal on the 3rd day of May, 1946, and to dismiss said indictment, the grounds for said motion being fully set forth in said motion which is Paper No. 1538, the same having been submitted without argument by counsel for the Defense and the Prosecution, and the Tribunal being fully advised in the premises, it is

PURL: http://www.legal-tools.org/doc/2130bf/

ORDERED: That said motion be and it hereby is dismissed.

BY THE TRIBUNAL:

(signed) W. F. Webb
President

SITTING:

The Honorable Sir William F. Webb
The Honorable Mr. Justice McDougall
The Honorable Mr. Justice Ju-Ao Mei
The Honorable Mr. Justice Pal
The Honorable Mr. Justice Roling
The Honorable Mr. Justice Northcroft
The Honorable Mr. Justice Jaranilla
Mar. Gen. of Justice I. M. Zaryanov
Maj. Gen. Myron C. Cramer

PURL: http://www.legal-tools.org/doc/2130bf/

Paper No. 1552
Disposes of
Oral Application

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	) ORDER
	) DISMISSING APPLICATIONS
- vs -	) TO DISMISS AND
	) FOR A FINDING OF
ARAKI, Sadao, et al	) NOT GUILTY

This matter coming on for consideration and decision this 10th day of February, 1948, upon the oral application filed this day in open court by the Defense, which application renews each and every motion to dismiss heretofore presented in these proceedings and moves to dismiss the indictment and all the counts thereof as to each and every Accused individually and collectively in the light of the evidence now before the Tribunal and requests a finding of not guilty, and said application having been submitted to the Tribunal without argument by the Defense and the Prosecution, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application be and it hereby is dismissed.

BY THE TRIBUNAL:

(signed) W. F. Webb
PRESIDENT

SITTING:

The Honorable Sir William F. Webb
The Honorable Mr. Justice McDougall
The Honorable Mr. Justice Ju-Ao Mei
The Honorable Mr. Justice Pal
The Honorable Mr. Justice Roling
The Honorable Mr. Justice Northcroft
The Honorable Mr. Justice Jaranilla
Maj. Gen. of Justice I. M. Zaryanov
Maj. Gen. Myron C. Cramer

PURL: http://www.legal-tools.org/doc/8be6e5/

Paper No. 1554

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	) ORDER
	) DIRECTING CLERK TO MARK
	) ORIGINAL EXHIBITS SO AS
- vs -	) TO INDICATE PORTIONS
	) REJECTED AND ALSO TO
	) PREPARE CERTAIN INSTRUMENTS
ARAKI, Sadao, et al	) CLARIFYING LANGUAGE
	) CORRECTIONS

It appearing to the Tribunal that certain of the Exhibits offered in evidence by the Prosecution and the Defense were admitted in part and rejected as to certain parts thereof and that said Exhibits have been given exhibit numbers and become part of the record in this case, without any marking or markings upon said exhibits which indicate which portion or portions of said exhibits have been admitted into evidence; and

It further appearing that the Language Arbitration Board of the Tribunal has from time to time, during the proceedings in this case, made certain recommendations that translations of certain exhibits be changed and corrected, which recommendations of the Language Arbitration Board were adopted and ordered by the Tribunal subsequent to the admission into evidence of such Exhibits; and

It appearing to the Tribunal that because of the foregoing some difficulty may be encountered in determining which portions of exhibits which were partially admitted and partially rejected are in evidence and for consideration by the Tribunal in its deliberations upon the case and that confusion may result as to the exact translation of exhibits adopted and ordered by the Tribunal,

PURL: http://www.legal-tools.org/doc/61d9bd/

Paper No. 1555

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	) ORDER
	) AUTHORIZING PHOTOGRAPHING
- vs -	) OR PHOTOSTATING OR MICRO-
	) FILMING OF ALL
ARAKI, Sadao, et al	) EXHIBITS

Upon consideration of the International Military Tribunal for the Far East this 12th day of February, 1948, it is

ORDERED: That the agents or persons authorized and delegated by the Supreme Commander of the Allied Powers for such purpose be and they are hereby authorized and permitted to make an exact copy of any and all original Exhibits and/or the translations thereof in the possession and custody of and under the control of the Clerk of this Tribunal, and which are part of the record in this case, by photographing the same, photostating or reproducing upon micro-film or by any other process determined upon by said persons or agents of the Supreme Commander for the purpose of producing exact and accurate copies of said Exhibits and/or translations thereof for the purposes required by the Supreme Commander of the Allied Powers; and it is further

ORDERED: That the Clerk of this Tribunal make available to said persons or agents delegated by the Supreme Commander of the Allied Powers the original Exhibits and/or translations thereof in his custody and under his control and contained in the files of said Clerk as part of the Record in this case,

PURL: http://www.legal-tools.org/doc/36d049/

Therefore, in order to eliminate any and all confusion and uncertainty which might result from the foregoing, and for the purpose of clarifying and making definite and certain the record in this case, it is

ORDERED: That the Clerk of this Tribunal mark all original exhibits, which have been admitted in part and rejected in part, in this case in such a manner as to indicate clearly that portion of the exhibit which was rejected by the Tribunal at the time said exhibit was offered in evidence; and it is further

ORDERED: That the Clerk shall prepare and compile a document, setting forth all language corrections, recommended by the Language Arbitration Board and ordered by the Tribunal to be made in exhibits and translations thereof, which are now or may hereafter be ordered made a part of the record in this case; and it is further

ORDERED: That the Clerk of this Tribunal prepare separate instruments each containing a language correction recommended by the Language Arbitration Board and ordered to be made by the Tribunal, which instrument shall be attached to and filed with the original exhibit affected thereby, the translation of which has been or shall hereafter be corrected by order of the Tribunal. Said instrument so attached to the original exhibit shall indicate and set forth the page of the Transcript of the Record in this case at which said language correction was recommended by the Language Arbitration Board and ordered by the Tribunal.

Dated at Tokyo, Japan, this 12th day of February 1948.

BY THE TRIBUNAL:

(signed) W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/36d049/

Paper No. 1555

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	) ORDER
	) AUTHORIZING PHOTOGRAPHING
- vs -	) OR PHOTOSTATING OR MICRO-
	) FILMING OF ALL
ARAKI, Sadao, et al	) EXHIBITS

Upon consideration of the International Military Tribunal for the Far East this 12th day of February, 1948, it is

ORDERED: That the agents or persons authorized and delegated by the Supreme Commander of the Allied Powers for such purpose be and they are hereby authorized and permitted to make an exact copy of any and all original Exhibits and/or the translations thereof in the possession and custody of and under the control of the Clerk of this Tribunal, and which are part of the record in this case, by photographing the same, photostating or reproducing upon micro-film or by any other process determined upon by said persons or agents of the Supreme Commander for the purpose of producing exact and accurate copies of said Exhibits and/or translations thereof for the purposes required by the Supreme Commander of the Allied Powers; and it is further

ORDERED: That the Clerk of this Tribunal make available to said persons or agents delegated by the Supreme Commander of the Allied Powers the original Exhibits and/or translations thereof in his custody and under his control and contained in the files of said Clerk as part of the Record in this case,

PURL: http://www.legal-tools.org/doc/dd8773/

and said Clerk shall render any and all assistance required for the purpose of carrying out this order to such persons and agents delegated by the Supreme Commander of the Allied Powers, provided, however, that the Clerk shall at no time during the process or operation of photographing, photostating or micro-filming of said exhibits and/or translations thereof surrender the actual custody and control of the same.

BY THE TRIBUNAL:

(signed) W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/dd8773/

Paper No. 1558
Disposes of
Paper No. 1548

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al

- vs -

ARAKI, Sadao, et al

) ORDER
) GRANTING THE WITHDRAWAL
) FROM THE FILES OF THE
) TRIBUNAL OF COURT
) EXHIBIT NO. 3834 FOR
) IDENTIFICATION ONLY
)

This matter coming on to be heard this 12th day of February, 1948, before the Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution for leave to withdraw from the files of the Tribunal Court Exhibit No. 3834 for Identification Only, being Volumes I to V inclusive of the record of the trial of the United States of America vs SAWADA, Shigeru, et al, before the Military Commission convened by the Commanding General, U.S. Army Forces, China, held at Shanghai in 1946, to the end that said original volumes which are Court Exhibit No. 3834 may be returned to the Legal Section of SCAP, the source from which they were obtained, the grounds for said application being fully set forth in the application which is Paper No. 1548, and the Tribunal having heard the statements and arguments of counsel for the Prosecution and being fully advised in the premises,

And it appearing to the Tribunal that Court Exhibit No. 3834 for Identification Only is the only copy of the

PURL: http://www.legal-tools.org/doc/fcf616/

Paper No. 1559
Disposes of
Paper No. 1549

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al

- vs -

ARAKI, Sadao, et al

ORDER GRANTING WITHDRAWAL FROM THE FILES OF THE TRIBUNAL OF IPS DOCUMENT NO. 1744, A BOOK ENTITLED "DOCUMENTS OF THE NANKING SAFETY ZONE"

This matter coming on to be heard this 12th day of February, 1948, before the Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution for leave to withdraw from the files of the Tribunal the volume designated as IPS Document No. 1744, being a book entitled "Documents of the Nanking Safety Zone", edited by Shuhsi Hsu, excerpts from which book were offered and received in evidence and are now Court Exhibit No. 323, the reasons for said requested withdrawal being fully set forth in said application which is Paper No. 1549, and the Tribunal having heard the statements and arguments of counsel for the Prosecution, and being fully advised in the premises,

And it appearing to the Tribunal that no substantial injustice or prejudice to the rights of the Prosecution or the Accused, or any of them, will result from the withdrawal of said IPS Document No. 1744 and the return thereof to the source from which it was obtained;

And it further appearing that the Defense has interposed no objection thereto, it is

PURL: http://www.legal-tools.org/doc/669d72/

ORDERED: That said application be and it hereby is granted; and it is further

ORDERED: That IPS Document No. 1744, being a book entitled "Documents of the Nanking Safety Zone", edited by Shuhsi Hsu, be withdrawn from the files of the Tribunal forthwith and returned to Dr. C. L. Boynton in Shanghai, China, from whom it was obtained by the Prosecution, upon the express term and condition, however, that said book shall be returned to the Tribunal upon 48 hours' notice in the event that either the Tribunal or the Prosecution or the Defense should require it for the purpose of this trial; and it is further

ORDERED: That Court Exhibit No. 323, which is the excerpts from said book which have been admitted into evidence, shall remain in the files and records of the Tribunal and that this order in no respect affects the status of Court Exhibit No. 323.

BY THE TRIBUNAL:

(signed) W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/669d72/

Paper No. 1563
Disposes of
Paper No. 1547

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. I

THE UNITED STATES OF AMERICA, et al	) ORDER
	) GRANTING THE WITHDRAWAL
	) FROM THE FILES OF THE
- vs -	) TRIBUNAL OF COURT EXHIBITS
	) NOS. 2651, 2652 and 2654
	) FOR IDENTIFICATION ONLY
ARAKI, Sadao, et al	)

This matter coming on to be heard this 17th day of February, 1948, before the Honorable Sir William Webb, President of the Tribunal, upon the application of Ben Bruce Blakeney, one of the counsel for the Defense in the above entitled cause for leave to withdraw from the files of the Tribunal certain documents, to wit: Exhibits Nos. 2651, 2652 and 2654 for Identification Only, said documents being fully described in the application which is Paper No. 1547, for the purpose of returning them to the source from which they were obtained, and the Tribunal having heard the statements and arguments of counsel for the Defense and being fully advised in the premises, and the Prosecution having failed to appear at the hearing on said application or interpose any objection to the granting of the prayer thereof,

And it appearing to the Tribunal that said documents have served their purpose and no substantial injustice will result to either the Prosecution, the Accused or any of them by the withdrawal of said documents and the return thereof

PURL: http://www.legal-tools.org/doc/be44b3/

to the source from which they were obtained;

And it further appearing that excerpts from said documents were offered and received in evidence by the Tribunal in this case, it is

ORDERED: That said application be and it hereby is granted and that Exhibit No. 2651 for Identification Only, Exhibit No. 2652 for Identification Only, and Exhibit No. 2654 for Identification Only be withdrawn from the files of the Tribunal forthwith and delivered by the Clerk of the Tribunal to Ben Bruce Blakeney, to be delivered by him to the source from which they were obtained, upon the express term and condition, however, that they be returned to the Clerk of the Tribunal, immediately upon notice being given that they are required by the Tribunal, the Prosecution or the Defense, for the purposes of this trial; and it is further

ORDERED: That any and all excerpts or parts of said Exhibits Nos. 2651 for Identification Only, 2652 for Identification Only and 2654 for Identification Only, which have been received in evidence in this case and marked as exhibits, shall remain in the files of the Tribunal and their status shall in no way be affected by this order.

BY THE TRIBUNAL:

(signed) W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/be44b3/

Paper No. 1654
Disposes of
Paper No. 1591

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. I

THE UNITED STATES OF AMERICA, et al

- vs -

ARAKI, Sadao, et al

ORDER GRANTING WITHDRAWAL FROM THE FILES OF THE TRIBUNAL OF COURT EXHIBIT NO. 3545 FOR IDENTIFICATION ONLY

This matter coming on to be heard this 1st day of April, 1948, before the Honorable Sir William Webb, President of the Tribunal, upon the application of the Accused SHIGEMITSU, Mamoru, by George A. Furness, his counsel, for leave to withdraw from the files of the Tribunal a certain document entitled "SINO-FOREIGN TREATY SERIES", which document was offered for identification only and marked Exhibit 3545 for Identification Only, said document being fully described in said application which is Paper No. 1591, to the end that said document may be returned forthwith to the Japanese Foreign Office from which it was secured;

And the Tribunal having heard the statements and arguments of said counsel for said Accused and being fully advised in the premises, and it appearing to the Tribunal that said Exhibit No. 3545 for Identification Only is required for carrying on the business of the Japanese Foreign Office, the source from which it was obtained, and that no substantial injustice or prejudice to the rights of the Prosecution or the Accused, or any of them, will result from the withdrawal of said document and its return to the source from which it was obtained;

PURL: http://www.legal-tools.org/doc/369a3d/

and it further appearing that the Prosecution has interposed no objection thereto, it is

ORDERED: That said application be and it is hereby granted; and it is further

ORDERED: That Court Exhibit 3545 for Identification Only be withdrawn from the files of the Tribunal forthwith and returned to the Japanese Foreign Office, the source from which it was obtained, upon the express term and condition, however, that said document shall be returned to the Tribunal upon request in the event that either the Tribunal or the Prosecution or the Defense should require it for the purpose of this trial; and it is further

ORDERED; That all excerpts from said Court Exhibit No. 3545 for Identification Only which have been admitted into evidence shall remain in the files and records of the Tribunal, and that this order in no respect affects their present status.

BY THE TRIBUNAL:

(signed) W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/369a3d/

Paper No. 1654
Disposes of
Paper No. 1591

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al

- vs -

ARAKI, Sadao, et al

) ORDER
) GRANTING WITHDRAWAL
) FROM THE FILES OF
) THE TRIBUNAL OF
) COURT EXHIBIT NO. 3545
) FOR IDENTIFICATION ONLY
)

This matter coming on to be heard this 1st day of April, 1948, before the Honorable Sir William Webb, President of the Tribunal, upon the application of the Accused SHIGEMITSU, Mamoru, by George A. Furness, his counsel, for leave to withdraw from the files of the Tribunal a certain document entitled "SINO-FOREIGN TREATY SERIES", which document was offered for identification only and marked Exhibit 3545 for Identification Only, said document being fully described in said application which is Paper No. 1591, to the end that said document may be returned forthwith to the Japanese Foreign Office from which it was secured;

And the Tribunal having heard the statements and arguments of said counsel for said Accused and being fully advised in the premises, and it appearing to the Tribunal that said Exhibit No. 3545 for Identification Only is required for carrying on the business of the Japanese Foreign Office, the source from which it was obtained, and that no substantial injustice or prejudice to the rights of the Prosecution or the Accused, or any of them, will result from the withdrawal of said document and its return to the source from which it was obtained;

PURL: http://www.legal-tools.org/doc/54c487/

and it further appearing that the Prosecution has interposed no objection thereto, it is

ORDERED: That said application be and it is hereby granted; and it is further

ORDERED: That Court Exhibit 3545 for Identification Only be withdrawn from the files of the Tribunal forthwith and returned to the Japanese Foreign Office, the source from which it was obtained, upon the express term and condition, however, that said document shall be returned to the Tribunal upon request in the event that either the Tribunal or the Prosecution or the Defense should require it for the purpose of this trial; and it is further

ORDERED; That all excerpts from said Court Exhibit No. 3545 for Identification Only which have been admitted into evidence shall remain in the files and records of the Tribunal, and that this order in no respect affects their present status.

BY THE TRIBUNAL:

(signed) W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/54c487/

Paper No. 1663
Disposes of
Paper No. 1653

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al

- vs -

ARAKI, Sadao, et al

) ORDER
) REOPENING DEFENSE CASE
) AND ADMITTING PORTION
) OF THE AFFIDAVIT OF THE
) HONORABLE GEORGE C.
) MARSHALL
) AS AN EXHIBIT.

This matter coming on this 2nd day of April, 1948, for hearing and consideration by the Tribunal in open Court, upon the written application of the Accused OSHIMA, Hiroshi, by his counsel Owen Cunningham, for permission to file the affidavit of General of the Army of the United States (retired) and present Secretary of State of the United States of America George C. Marshall as an exhibit in this case on behalf of said Accused OSHIMA, a copy of said affidavit being attached to said written application and the reasons advanced in suppo of said application being set forth in said application which is Paper No. 1653; and also upon the oral application of said OSHIMA, Hiroshi, made in open court by his counsel Owen Cunningham this 2nd day of April, 1948, that the Tribunal re-open the Defense case to enable the said Accused OSHIMA, by his counsel, to tender the affidavit of the Honorable George C. Marshall, which is Defense Document No. 3300, for admission in evidence, the said Defense Document No. 3300 having been offered by counsel for said Accused OSHIMA as an exhibit in this case,

And the Tribunal having heard the arguments of counsel for said accused OSHIMA and for the Prosecution, and being

PURL: http://www.legal-tools.org/doc/766ced/

fully advised in the premises by a majority decision of the Tribunal, it is

ORDERED: That the Defense case be reopened and the affidavit of the Honorable George C. Marshall (Defense Document No. 3300) be admitted in evidence only to the extent of the first question and answer thereof, and that the portion of Defense Document No. 3300 admitted in evidence receive Exhibit No. 2765-B.

BY THE TRIBUNAL:

(signed) W. F. Webb
PRESIDENT

SITTING:

The Hon. Sir William F. Webb
The Hon. Mr. Justice McDougall
The Hon. Mr. Justice Ju-Ao Mei
The Hon. Mr. Justice Bernard
The Hon. Mr. Justice Pal
Lord Patrick
The Hon. Mr. Justice Roling
The Hon. Mr. Justice Northcroft
The Hon. Mr. Justice Jaranilla
Maj. Gen. of Justice I. M. Zaryanov
Maj. Gen. Myron C. Cramer

PURL: http://www.legal-tools.org/doc/766ced/

Paper No. 1691
Disposes of
Paper No. 1667

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	) ORDER
	) GRANTING APPLICATION
	) TO WITHDRAW EXHIBITS
- vs -	) NOS. 2447 AND 2473
	) FOR IDENTIFICATION ONLY
	) AND DENYING APPLICATION
ARAKI, Sadao, et al	) TO WITHDRAW EXHIBIT
	) NO. 2446 FROM THE
	) FILES OF THE TRIBUNAL

This matter coming on to be heard this 15th day of April, 1948, before the Honorable Sir William Webb, President of the Tribunal, upon the application of Ben Bruce Blakeney, one of counsel for the Defense in the above entitled cause, for leave to withdraw from the files of the Tribunal certain documents, to wit: Exhibits No. 2447 for Identification Only, No. 2473 for Identification Only, and No. 2446, for the purpose of returning them to the source from which they were obtained, Exhibit No. 2473 having been borrowed by Defense counsel from a private owner, and Exhibits Nos. 2446 and 2447 having been borrowed from the Japanese Foreign Office, and the Tribunal having heard the statements and arguments of counsel for the Defense in support of said application, and of the Prosecution in opposition thereto, and

It appearing that said Exhibits Nos. 2447 and 2473 were offered and marked for Identification Only, and that said Exhibit No. 2446 was offered, admitted and is in evidence; and

It further appearing that said Exhibits Nos. 2447 and 2473 for Identification Only have served their purpose and no

PURL: http://www.legal-tools.org/doc/94a9c2/

substantial injustice will result to either the Prosecution, the Accused, or any of them, by the withdrawal of said two documents and the return thereof to the sources from which they were obtained; and

It further appearing that excerpts from said Exhibits Nos. 2447 and 2473 for Identification Only were offered and admitted in evidence as Exhibits Nos. 2447-A and 2473-A, it is

ORDERED: That said application for the withdrawal of Exhibits Nos. 2447 and 2473 for Identification Only be and it hereby is granted and that said Exhibits Nos. 2447 and 2473 for Identification Only be withdrawn from the files of the Tribunal forthwith and delivered by the Clerk of the Tribunal to Ben Bruce Blakeney, to be returned by him to the sources from which they were obtained, upon the express term and condition, however, that they be returned to the Clerk of the Tribunal immediately upon notice being given that they are required by the Tribunal, the Prosecution or the Defense for the purposes of this trial; and it is further

ORDERED: That said application for the withdrawal from the files of the Tribunal of Exhibit No. 2446 be and it hereby is denied; and it is further

ORDERED: That Exhibits Nos. 2447-A and 2473-A which have been admitted and are in evidence in this case shall remain in the files of the Tribunal and their status shall in no way be affected by this order.

BY THE TRIBUNAL:

(signed) W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/94a9c2/

Paper No. 1692
Disposes of
Paper No. 1673

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	) ORDER
	) DENYING APPLICATION
- vs -	) FOR THE WITHDRAWAL OF
	) EXHIBITS NOS. 2744,
	) 2762, 2765-B AND 3503
	) FROM THE FILES
ARAKI, Sadao, et al	) OF THE TRIBUNAL

This matter coming on to be heard this 15th day of April, 1948, before the Honorable Sir William Webb, President of the Tribunal, upon the application of Owen Cunningham, counsel for the Accused OSHIMA, Hiroshi, for leave to withdraw from the files of the Tribunal certain documents, to wit: the original Exhibits Nos. 2744, 2762, 2765-B and 3503, and to substitute therefor photostatic copies of said original exhibits, said original documents being fully described in the application which is Paper No. 1673, and the Tribunal having heard the statements and arguments of counsel for the Defense in support of said application, and of the Prosecution in opposition thereto, and being fully advised in the premises, it is

ORDERED: That said application be and the same hereby is denied; and it is further

ORDERED: That counsel for the Defense be and he hereby is granted permission to make or have made, is his behalf, photostatic copies of said original Exhibits Nos. 2744, 2762, 2765-B and 3503.

BY THE TRIBUNAL:

(signed) W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/4be0a1/

Paper No. 1693
Disposes of
Paper No. 1676

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	) ORDER
	) GRANTING APPLICATION
	) TO WITHDRAW EXHIBITS
-vs-	) NOS. 2771, 2772, 2774,
	) 2777, 2778, 2780, 2781,
	) 2795 AND 2796 FOR
ARAKI, Sadao, et al	) IDENTIFICATION ONLY,
	) AND DENYING APPLICATION
	) TO WITHDRAW EXHIBITS
	) NOS. 2413, 2785 AND 2794
	) FROM THE FILES OF
	) THE TRIBUNAL

This matter coming on to be heard this 15th day of April, 1948, before the Honorable Sir William Webb, President of the Tribunal, upon the application of William Logan, Jr., one of counsel for the Defense in the above entitled cause, for leave to withdraw from the files of the Tribunal certain documents, to wit: Exhibits Nos. 2771, 2772, 2774, 2777, 2778, 2780, 2781, 2785, 2794, 2795, 2796 and 2413, said documents being described in said application which is Paper No. 1676 as "Stenographic Records of the Proceedings of the Japanese Diets and offered for Identification Only", for the purpose of returning them to the Tokyo Bar Association Library, the source from which they were obtained, and the Tribunal having heard the statements and arguments of counsel for the Defense in support of said application, and of the Prosecution in opposition thereto, and being fully advised in the premises, and

It appearing to the Tribunal that said Exhibits Nos. 2771, 2772, 2774, 2777, 2778, 2780, 2781, 2795 and 2796 were offered and marked for Identification Only, and that said Exhibits Nos. 2413, 2785 and 2794 were offered, admitted, and are in

PURL: http://www.legal-tools.org/doc/4248bc/

evidence; and it

Further appearing that said Exhibits Nos. 2771, 2772, 2774, 2777, 2778, 2780, 2781, 2795 and 2796, all for Identification Only, have served their purpose and that no substantial injustice will result to either the Prosecution, the Accused, or any of them, from the withdrawal of said documents and the return therof to the Tokyo Bar Association Library, the source from which they were obtained; and it

Further appearing that excerpts from said Exhibits Nos. 2771, 2772, 2774, 2777, 2778, 2780, 2781, 2795, and 2796, all for Identification Only, were offered, admitted and are in evidence as Exhibits Nos. 2771-A, 2771-B, 2771-C, 2772-A, 2774-A, 2774-B, 2777-A, 2777-B, 2778-A, 2780-A, 2780-B, 2780-C, 2781-A, 2795-A, 2796-A and 2796-B, it is

ORDERED: That said application for the withdrawal of Exhibits Nos. 2771, 2772, 2774, 2777, 2778, 2780, 2781, 2795 and 2796, all for Identification Only, be and it hereby is granted, and that said exhibits for identification only be withdrawn from the files of the Tribunal forthwith and be delivered to counsel for the Defense, to be returned to the source from which they were obtained, upon the express term and condition, however, that they be returned to the Clerk of the Tribunal immediately upon notice being given that they are required by the Tribunal, the Prosecution or the Defense, for the purposes of this trial; and it is further

ORDERED: That said application for the withdrawal from the files of the Tribunal of Exhibits Nos. 2413, 2785 and 2794 be and it hereby is denied; and it is further

PURL: http://www.legal-tools.org/doc/4248bc/

ORDERED: That any and all excerpts or parts of Exhibits for Identification Only herein ordered withdrawn and returned, which excerpts have been received and are in evidence is the case and marked as exhibits, shall remain in the files of the Tribuanl and their status shall in no way be affected by this order.

BY THE TRIBUNAL:

(signed) W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/4248bc/

Paper No. 1694
Disposes of
Paper No. 1680

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al

- vs -

ARAKI, Sadao, et al

ORDER GRANTING APPLICATION TO WITHDRAW EXHIBIT NO. 3752 FOR IDENTIFICATION ONLY, FROM THE FILES OF THE TRIBUNAL

This matter coming on to be heard this 15th day of April, 1948, before the Honorable Sir William Webb, President of the Tribunal, upon the application of one of the Accused, KIDO, Koichi, by Shigetaka HOZUMI and William Logan, Jr., his counsel, for leave to withdraw from the files of the Tribunal a certain document, to wit, Exhibit No. 3752 for Identification Only, said document being fully described in the application which is Paper No. 1680, for the purpose of returning the same to the Estate of the late Baron Harada, the source from which it was obtained, and the Tribunal having heard the statements and arguments of counsel for said Accused in support of said application, and the Prosecution having interposed no objection thereto, and it appearing to the Tribunal that said document has served its purpose and no substantial injustice will result to either the Prosecution, the Accused, or any of them by the withdrawal of said document and the return thereof to the source from which it was obtained, it is

PURL: http://www.legal-tools.org/doc/a798ea/

ORDERED: That said application be and it hereby is granted and that Exhibit No. 3752 for Identification Only be withdrawn from the files of the Tribunal forthwith and delivered to Shigetaka HOZUMI, counsel for said Accused KIDO, to be returned by him to the Estate of the late Baron Harada, upon the express term and condition, however, that said document be returned to the Clerk of the Tribunal immediately upon notice being given that it is required by the Tribunal, the Prosecution or the Defense, for the purpose of this trial.

BY THE TRIBUNAL:

(signed) W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/a798ea/

Paper No. 1695
Disposes of
Paper No. 1683

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNTIED STATES OF AMERICA, et al

- vs -

ARAKI, Sadso, et al

ORDER GRANTING APPLICATION TO WITHDRAW EXHIBITS NOS. 3665, 3669, 3677, 3678 AND 3684, and DENYING APPLICATION TO WITHDRAW EXHIBITS NOS. 3663, 3664 AND 281 FROM THE FILES OF THE TRIBUNAL

This matter coming on to be heard this 15th day of April, 1948, before the Honorable Sir William Webb, President of the Tribunal, upon the application of Ichiro Kiyose and George Francis Blewett, counsel for the Defense in the above entitled cause, for leave to withdraw from the files of the Tribunal certain documents, to wit: Exhibits Nos. 3663, 3664, 3665, 3669, 3677, 3678, 3684 and 281, for the purpose of returning said original documents to the sources from which they were obtained, said sources being fully set forth in the application which is Paper No. 1683, and the Tribunal having heard the statements and arguments of counsel for the Defense in support of said motion, and of the Prosecution in opposition thereto, and being fully advised in the premises, and

It appearing to the Tribunal that said Exhibits Nos. 3665, 3669, 3677 and 3684 which were obtained from the Library of the Japanese Diet and Exhibit No. 3678 which was obtained from the Japanese Foreign Office were offered and marked for Identification Only, and that said Exhibits Nos. 3663, 3664 and 281 which were obtained from the Library of the Japanese Diet were offered, admitted and are in evidence; and

PURL: http://www.legal-tools.org/doc/de8c43/

It further appearing that said Exhibits Nos. 3665, 3669, 3677, 3678 and 3684, all for Identification Only, have served their purpose and no substantial injustice will result to either the Prosecution, the Accused, or any of them, by the withdrawal of said documents and the return thereof to the sources from which they were obtained; and

It further appearing that excerpts from said Exhibits Nos. 3665, 3669, 3677 and 3684, all for Identification Only, were offered, admitted and are in evidence as Exhibits Nos. 3665-A, 3669-A, 3677-A, and 3684-A, it is

ORDERED: That said application for the withdrawal of Exhibits Nos. 3665, 3669, 3677, 3678 and 3684, all for Identification Only, be and it hereby is granted, and that said Exhibits for Identification Only be withdrawn from the files of the Tribunal forthwith and delivered to George Francis Blewett, one of counsel for the Defense, to be returned by him to the source from which they were obtained, upon the express term and condition, however, that they be returned to the Clerk of the Tribunal immediately upon notice being given that they are required by the Tribunal, the Prosecution or the Defense for the purposes of this trial; and it is further

ORDERED: That said application for the withdrawal from the files of the Tribunal of Exhibits Nos. 3663, 3664, and 281, be and it hereby is denied; and it is further

ORDERED: That any and all excerpts or parts of Exhibits for Identification Only herein ordered to be withdrawn and returned, which excerpts have been recieved and are in evidence in this case and marked as Exhibits, shall remain in the files of the Tribunal and their status shall in no way be affected by this order.

BY THE TRIBUNAL:

(signed) _____ W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/de8c43/

Paper No. 1696
Disposes of
Paper No. 1684

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al

- vs -

ARAKI, Sadao, et al

ORDER GRANTING APPLICATION TO WITHDRAW EXHIBIT NO. 2773 FOR IDENTIFICATION ONLY FROM THE FILES OF THE TRIBUNAL

This matter coming on to be heard this 15th day of April, 1948, before the Honorable Sir William Webb, President of the Tribunal, upon the application of William Logan, Jr., one of counsel for the Defense in the above entitled cause, for leave to withdraw from the files of the Tribunal a certain document, to wit: Exhibit No. 2773 for Identification Only, said document being fully described in the application which is Paper No. 1684, for the purpose of returning same to the Tokyo Bar Association Library, the source from which it was obtained, and the Tribunal having heard the statements and arguments of counsel for the Defense in support of said application and the Prosecution having interposed no objection thereto, and

It appearing to the Tribunal that said document has served its purpose and that no substantial injustice will result to either the Prosecution, the Accused, or any of them, by the withdrawl of said document and the return thereof to the source from which it was obtained; and

It further appearing to the Tribunal that an excerpt from said Exhibit No. 2773 for Identification Only has been

PURL: http://www.legal-tools.org/doc/a6c8b4/

offered, admitted and is in evidence in this case as Exhibit No. 2773-A, it is

ORDERED: That said application be and the same hereby is granted, and that Exhibit No. 2773 for Identification Only be withdrawn from the files of the Tribunal forthwith and delivered by the Clerk of the Tribunal to counsel for the Defense, to be delivered to the Tokyo Bar Association Library, the source from which it was obtained, upon the express term and condition, however, that it be returned to the Clerk of the Tribunal immediately upon notice being given that it is required by the Tribunal, the Prosecution, or the Defense, for the purposes of this trial; and it is further

ORDERED: That Exhibit No. 2773-A, which is an excerpt from Exhibit No. 2773 for Identification Only and which has been received and is in evidence in this case, shall remain in the files of the Tribunal and its status shall in no way be affected by this order.

BY THE TRIBUNAL:

(signed) W. F. Webb
PRESIDENT

PURL: http://www.legal-tools.org/doc/a6c8b4/

Paper No. 1699
Disposes of
Paper No. 1687

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al

ARAKI, Sadao, et al

) ORDER
) GRANTING APPLICATION
) TO WITHDRAW EXHIBIT
) NO. 3235 FOR
) IDENTIFICATION ONLY
) FROM THE FILES OF
) THE TRIBUNAL

This matter coming on to be heard this 30th day of April, 1948, before the Honorable Sir William Webb, President of the Tribunal, upon the application of Tadashi Hanai and Shinichi Shibuzawa, counsel for the Accused HOSHINO, Naoki, for leave to withdraw from the files of the Tribunal a certain document, to wit, Exhibit No. 3235 for Identification Only, said document being fully described in the application which is Paper No. 1687, for the purpose of returning same to the Japanese Foreign Office, the source from which it was obtained, and the Tribunal having heard the statements and arguments of counsel for the Defense in support of said motion, and the Prosecution having interposed no objection thereto, and

It appearing to the Tribunal that said Exhibit No. 3235 was offered and marked for Identification Only and has served its purpose, and that no substantial injustice will result to either the Prosecution, the Accused, or any of them, by the withdrawal of said document and the return thereof to the source from which it was obtained; and

It further appearing that an excerpt from said Exhibit No. 3235 for Identification Only was offered and admitted in evidence as Exhibit No. 3235-A, it is

PURL: http://www.legal-tools.org/doc/e1ed38/

ORDERED: That said application for the withdrawal of Exhibit No. 3235 for Identification Only be and it hereby is granted and that said Exhibit No. 3235 for Identification Only be withdrawn from the files of the Tribunal forthwith and delivered by the Clerk of the Tribunal to counsel for the Accused HOSHINO, to be returned by said counsel to the source from which it was obtained, upon the express term and condition, however, that it be returned to the Clerk of the Tribunal immediately upon notice being given that it is required by the Tribunal, the Prosecution or the Defense for the purposes of this trial; and it is further

ORDERED: That Exhibit No. 3235-A which has been admitted and is in evidence in this case shall remain in the files of the Tribunal and its status shall in no way be affected by this order.

BY THE TRIBUNAL:

(signed) W. F. WEBB,
PRESIDENT

PURL: http://www.legal-tools.org/doc/e1ed38/

Paper No. 1700
Disposes of
Paper No. 1690

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al) ORDER
) GRANTING APPLICATION TO
) WITHDRAW EXHIBITS
) NOS. 2647 AND 3553
) FOR IDENTIFICATION ONLY
) FROM THE FILES OF
ARAKI, Sadao, et al) THE TRIBUNAL

This matter coming on to be heard this 30th day of April, 1948, before the Honorable Sir William Webb, President of the Tribunal, upon the application of George A. Furness, counsel for the Accused SHIGEMITSU, Mamoru, for leave to withdraw from the files of the Tribunal certain documents, to wit: Exhibit No. 2647 for Identification Only which was borrowed by Defense Counsel from the Japanese Foreign Office, and Exhibit No. 3553 for Identification Only which was borrowed by Defense Counsel from a private owner, both of which documents are fully described in the application which is Paper No. 1690, for the purpose of returning same to the sources from which they were obtained, and the Tribunal having heard the statements and arguments of counsel for the Defense, and the Prosecution having interposed no objection thereto, and

It appearing to the Tribunal that Exhibits Nos. 2647 and 3553 were offered and marked for Identification Only and have served their purpose, and that no substantial injustice will result to either the Prosecution, the Accused, or any of them, by the withdrawal of said documents and the return thereof to the sources from which they were obtained; and

PURL: http://www.legal-tools.org/doc/a34ca3/

It further appearing to the Tribunal that an excerpt from said Exhibit No. 2647 for Identification Only was offered and admitted in evidence as Exhibit No. 2647-A. it is

ORDERED: That said application for the withdrawal of Exhibits No. 2647 for Identification Only and No. 3553 for Identification Only be and it hereby is granted, and that said Exhibits No. 2647 for Identification Only and No. 3553 for Identification Only be withdrawn from the files of the Tribunal forthwith and delivered by the Clerk of the Tribunal to George A. Furness, counsel for the Accused SHIGEMITSU, to be returned by him to the sources from which they were obtained, upon the express term and condition, however, that said documents be returned to the Clerk of the Tribunal immediately upon notice being given that they are required by the Tribunal, the Prosecution or the Defense for the purposes of this trial;

and it is further

ORDERED: That Exhibit No. 2647-A which has been admitted and is in evidence in this case shall remain in the files of the Tribunal and its status shall in no way be affected by this order.

BY THE TRIBUNAL:

(signed) W. F. WEBB,
PRESIDENT

PURL: http://www.legal-tools.org/doc/a34ca3/

Paper No. 1701
Disposes of
Paper No. 1697

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al) ORDER
) GRANTING APPLICATION
) TO WITHDRAW EXHIBITS
) NOS. 2355, 2356, 2357,
) 2358, 2359 and 2360
) FOR IDENTIFICATION
) ONLY FROM THE FILES
ARAKI, Sadao, et al) OF THE TRIBUNAL

This matter coming on to be heard this 30th day of April, 1948, before the Honorable Sir William Webb, President of the Tribunal, upon the application of George Francis Blewett, one of Defense counsel, for leave to withdraw from the files of the Tribunal certain documents, to wit: Exhibits Nos. 2355, 2356, 2357, 2358, 2359 and 2360, all for Identification Only, said documents being fully described in the application which is Paper No. 1697, for the purpose of returning same to the public library from which they were borrowed, and the Tribunal having heard the statements and arguments of counsel for the Defense in support of said motion, and the Prosecution having interposed no objection thereto,

And it appearing to the Tribunal that said Exhibits Nos. 2355, 2356, 2357, 2358, 2359 and 2360, were offered and marked for Identification Only and have served their purpose, and that no substantial injustice will result to either the Prosecution, the Accused, or any of them, by the withdrawal of said documents and the return thereof to the source from which they were obtained, it is

PURL: http://www.legal-tools.org/doc/90fedf/

ORDERED: That said application for the withdrawal of Exhibits Nos. 2355, 2356, 2357, 2358, 2359 and 2360, all for Identification Only, be and it hereby is granted, and that Exhibits Nos. 2355, 2356, 2357, 2358, 2359 and 2360, all for Identification Only, be withdrawn from the files of the Tribunal forthwith and delivered by the Clerk of the Tribunal to George Francis Blewett, one of Defense counsel, to be returned by him to the source from which they were obtained, upon the express term and condition, however, that they be returned to the Clerk of the Tribunal immediately upon notice being given that they are required by the Tribunal, the Prosecution or the Defense for the purposes of this trial.

BY THE TRIBUNAL:

(signed) W. F. WEBB.
PRESIDENT

PURL: http://www.legal-tools.org/doc/90fedf/

Paper No. 1702
Disposes of
Paper No. 1698

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	) ORDER) GRANTING APPLICATION) TO WITHDRAW EXHIBITS) NOS. 2771, 2772, 2773,) 2774, 2777, 2778, 2780,) 2781 AND 2792 FOR) IDENTIFICATION ONLY) FROM THE FILES
ARAKI, Sadao, et al	) OF THE TRIBUNAL

This matter coming on to be heard this 30th day of April, 1948, before the Honorable Sir William Webb, President of the Tribunal, upon the application of Alfred W. Brooks, one of counsel for the Defense, for leave to withdraw from the files of the Tribunal certain documents, to wit: Exhibits Nos. 2771, 2772, 2773, 2774, 2777, 2778, 2780, 2781 and 2792, all for Identification Only, said documents being fully described in the application which is Paper Nos. 1698, for the purpose of returning the same to the Japanese Foreign Office, the source from which they were obtained, and the Tribunal having heard the statements and arguments of counsel for said Accused in support of said application, and the Prosecution having interposed no objection thereto, and

It appearing to the Tribunal that said Exhibits Nos. 2771, 2772, 2773, 2774, 2777, 2778, 2780, 2781 and 2792 were offered and marked for Identification Only and have served their purpose, and that no substantial injustice will result to either the Prosecution, the Accused, or any of them, by the withdrawal of said documents and the return thereof to the source from which they were obtained; and

PURL: http://www.legal-tools.org/doc/0d62b9/

It further appearing to the Tribunal that excerpts from said Exhibits Nos. 2771, 2772, 2773, 2774, 2777, 2778, 2780, 2781, and 2792 for Identification Only were offered and admitted in evidence as Exhibits Nos. 2771-A, 2771-B, 2771-C 2772-A, 2773-A, 2774-A, 2774-B, 2777-A, 2777-B, 2778-A, 2780-A, 2780-B, 2780-C, 2781-A, 2792-A, 2792-B and 2792-C, it is

ORDERED: That said application for the withdrawal of Exhibits Nos. 2771, 2772, 2773, 2774, 2777, 2778, 2780, 2781 and 2792 for Identification Only be and it hereby is granted and that said Exhibits Nos. 2771, 2772, 2773, 2774, 2777, 2778, 2780, 2781 and 2792 for Identification Only be withdrawn from the files of the Tribunal forthwith and delivered by the Clerk of the Tribunal to counsel for the Accused OKAWA, to be returned by said counsel to the source from which they were obtained, upon the express term and condition, however, that said documents be returned to the Clerk of the Tribunal immediately upon notice being given that they are required by the Tribunal, the Prosecution or the Defense for the purposes of this trial; and it is further

ORDERED: That Exhibits Nos. 2771-A, 2771-B, 2771-C, 2772-A, 2773-A, 2774-A, 2774-B, 2777-A, 2777-B, 2778-A, 2780-A, 2780-B, 2780-C, 2781-A, 2792-A, 2792-B, 2792-C, which have been admitted and are in evidence in this case shall remain in the files of the Tribunal and their status shall in no way be affected by this order.

BY THE TRIBUNAL:

(signed) W. F. Webb
PRESIDENT

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DFF. DOC. #51.

AGREEMENT EFFECTED BY EXCHANGE OF NOTES CANCELLING THE ISHII-LANSING AGREEMENT OF NOVEMBER 2, 1917.

From the Japanese Ambassador to the Secretary of State.

Japanese Embassy,

Washington,

April 14, 1923.

Sir:

I have the honor to acknowledge the receipt of your note of to-day's date, communicating to me your understanding of the views developed by the discussions which you have recently had with this Embassy in reference to the status of the Ishii-Lansing exchange of notes of November 2, 1917.

I am happy to be able to confirm to you, under instructions from my Government, your understanding of the views thus developed, as set forth in the following terms:

The discussions between the two Governments have disclosed an identity of views and, in the light of the understandings arrived at by the Washington Conference on the Limitation of Armament, the Japanese and American Governments are agreed to consider the Ishii-Lansing correspondence of November 2, 1917, as cancelled and of no further force of effect.

Accept, Sir, etc., etc., etc.

(Signed) M. HANIHARA.

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DEF. DOC. #51.

AGREEMENT EFFECTED BY EXCHANGE OF NOTES CANCELLING THE ISHII-LANSING AGREEMENT OF NOVEMBER 2, 1917.

From the Secretary of State to the Japanese Ambassador.

Department of State,

Washington,

April 14, 1923.

Excellency:

I have the honor to communicate to Your Excellency my understanding of the views developed by the discussions which I have recently had with your Embassy in reference to the status of the Lansing-Ishii exchange of notes of November 2, 1917.

The discussions between the two Governments have disclosed an identity of views and, in the light of the understandings arrived at by the Washington Conference on the Limitation of Armament, the American and Japanese Governments are agreed to consider the Lansing-Ishii correspondence of November 2, 1917, as cancelled and of no further force of effect.

I shall be glad to have your confirmation of the accord that is reached.

Accept, Excellency, etc., etc., etc.

(Signed) CHARLES E. HUGHES.

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DEF. DOC. #51.

CERTIFICATE

Statement of Source and Authenticity

I, SHIMODA Takeso, Chief of the Archives, Section Japanese Foreign Office hereby certify that the document in English attached hereto consisting of 2 pages and entitled "AGREEMENT EFFECTED BY EXCHANGE OF NOTES CANCELLING THE ISHII: LANSING AGREEMENT OF NOVEMBER 2, 1917." is an exact and true copy of an official document of Japanese Foreign Office.

Signed at Tokyo on this
6th day of August, 1946

(Signed) T. SHIMODA
Signature of Official

Withess: (Signed) Nagaharu ODO

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not used

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石井「ランシング」交換公文ノ廃棄ニ関スル
日米交換公文

大正十二年四月十日　閣議ヲ以テ
同　年四月十六日　告　示

米国ヨリ日本大使宛公文

以書簡上啓仕候千九百十七年十一月二日ノ「ランシング」石井交換
公文ノ地位ニ鑑ミ最近本官ト貴大使閣下トノ間ニ行ハレタル商議ニ依リ茲
ニ別紙ノ通リ本官ノ了解ヲ閣下ニ通報スルノ光栄ヲ有シ候
敬具
閣下ニ向テ見タリ軍備制限ニ関スル審査会合
ニ依リ到達セラレタル了解ニ依ミ亜米利加合衆国及日本国政府ハ千
九百十七年十一月二日ノ「ランシング」石井交換公文ハ廃棄セラレ且
今後効力ナキモノト看做スコトニ合意ス
本官ハ右合意ニ関シ閣下ノ確認ヲ得ムコトヲ希望ス
本官ハ茲ニ閣下ニ向テ敬意ヲ表シ候
敬具

千九百二十三年四月十日

華盛頓ニ於テ

チアールス、イー、ヒューズ

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日本大使ヨリ米國國務卿宛公文

以書翰致啓上候陳者千九百十七年十一月二日ノ石井「ランシング」交換公文ノ趣旨ニ關シ最近閣下ト本大使館トノ間ニ行ハレタル商議ニ依リ遂成シタル見解ニ付閣下ノ了解セラルル所ヲ本日附書翰ヲ以テ御通報相成度此段承傳

本使ハ茲ニ帝國政府ノ訓令ニ基キ右遂成セラレタル見解ニ付左ニ記載スル閣下ノ了解ヲ確認セラルル時ハ本使ノ欣喜トスル所ニ有之候

兩國政府ハ兩國ノ結其見解ノ一致ヲ見タリ而倘側隅ニ門スル華盛頓會議ニ依リ到達セラレタル了解ニ鑑ミ日本國及米利加合衆國政府ハ千九百十七年十一月二日ノ石井「ランシング」文換公文ハ廢棄セラレ且今後カ力ナキモノト看做スコトニ合意ス

本使ハ茲ニ閣下ニ向テ敬意ヲ表シ候　敬具

千九百二十三年四月十四日

華盛頓日本帝國大使館ニ於テ

埴　原　正　直

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ANNOUNCEMENT BY THE JAPANESE GOVERNMENT.

August 1, 1940.

The world stands at a great historic turning point, and it is about to witness the creation of new forms of government, economy, and culture, based upon the growth and development of sundry groups of states. Japan, too, is confronted by a great trial such as she has never experienced in history. In order to carry out fully at this juncture our national policy in accordance with the lofty spirit in which the country was founded, it is an important task of urgent necessity to us that we should grasp the inevitable trends in the developments of world history, effect speedily fundamental renovations along all lines of government, and strive for the perfection of a state structure for national defense. Accordingly, the general lines of the country's fundamental national policies have been formulated as follows:

Summary of Fundamental National Policies.

1. Basic Policy.

The basic aim of Japan's national policy lies in the firm establishment of world peace in accordance with the lofty spirit of Hakko Ichiu, in which the country was founded, and in the construction, as the first step, of a new order in Greater East Asia, having for its foundation the solidarity of Japan, Manchoukuo and China.

Japan will, therefore, devote the total strength of the nation to the fulfilment of the above policy by setting up

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swiftly an unshakable national structure of her own adapted to meet the requirements of new developments both at home and abroad.

2. National Defense and Foreign Policy.

The Government will strive for the repletion of armaments adequate for the execution of the national policies, by taking into consideration the new developments both at home and abroad, and constructing a state structure for national defense, capable of bringing into full play the total strength of the nation.

Japan's foreign policy, which aims ultimately at the construction of a new order in Greater East Asia, will be directed, first of all, toward a complete settlement of the China Affair, and the advancement of the national fortune by taking a far-sighted view of the drastic changes in the international situation and formulating both constructive and flexible measures.

3. Renovation of Internal Structure.

What is urgently required in internal administration is the laying of the foundation for a state structure for national defense through a complete renovation of the domestic administration in general, for which purpose the Government expects the realization of the following points:

A. Renovation of education thoroughly in harmony with the fundamental principles of the national polity, and also the establishment of ethical principles of the nation stressing, above all, service to the state and eradicating all selfish and materialistic thoughts.

B. Establishment of a powerful new political structure

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and a unified control of government affairs.

a. Establishment of a new national structure, of which the keynote lies in the service to the state through the co-operation between government and people, every man according to his sphere of profession or business.

b. Renovation of the Diet as an organ for assisting the Throne, so as to adapt it to the new national structure.

c. Fundamental renovation in the operation of administrative organs, and the reformation of the bureaucracy, aimed at the unity and efficiency of those organs.

C. Laying the foundation of national defense economy, of which the keynote is to lie in the autonomous development of the economy of Japan, Manchoukuo and China with Japan as the center.

a. Establishment of a sphere of co-operative economies, with the Japan-Manchoukuo-China group as one of the units.

b. Inauguration of a planned economy through the co-operation between government and people, and especially the perfection of a unitary control system covering the production, distribution and consumption of important commodities.

c. Establishment of a financial scheme and reinforcement of banking control, directed toward the development of the nation's total economic power.

d. Renovation of the foreign trade policy so as to adapt it to the new world situation.

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e. Establishment of the measures for self-sufficiency in the people's daily necessities especially in the principal foodstuffs.

f. An epoch-making expansion of the vital industries---- especially heavy, chemical and machine industries.

g. An epoch-making promotion of science, and rationalization of production.

h. Perfection and extension of the communication and transportation facilities so as to adapt them to the new developments at home and abroad.

i. Establishment of land development plans aiming at the enhancement of the total national strength.

j. Inauguration of permanent measures concerning the promotion of the stamina and physical strength of the nation, and especially the fundamental measures concerning the security and development of agriculture and agricultural communities.

k. Rectification of the inequality in individual sacrifices incident of national policies; full operation of various welfare measures, and renovation of the living mode of the nation, and the maintenance of such standard of living as will enable the nation to lead a plain, solid and vigorous life and to surmount the national crisis by persevering truly through years of hardship.

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CERTIFICATE

Statement of Source and Authenticity

I, HAYASHI Kaoru, Chief of the Archives Section Japanese Foreign Office, hereby certify that the document attached hereto in Japanese / English, consisting of 4 pages, marked "SHIRATORI DOCUMENT No 8" and entitled "Announcement by the Japanese Government, August, 1940.

is an exact and true copy of the Japanese original.

Signed at Tokyo on this

10th day of Sept, 1946

(Signed) K. HAYASHI
Signature of Official

Witness: (Signed) Nagaharu ODO

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DEF, DOC. # 53

近衛内閣基本国策要綱（八月一日）

世界は今や歴史的一大変局に際会し、個の国家群の生成発展を基調とする新なる政治経済文化の創成を見んとし、皇国亦有史以来の大試練に直面す、この秋に当り皇国の大経綸に基く皇国の国是を完遂せんとせば右世界史的発展の必然的動向を把握して庶政百般に亘り速に根本的刷新を加へ高度国防国家体制の完成に邁進することを以て刻下喫緊の要務とす、依つて茲に基本国策の大綱を決定すること左の如し。

一、根本方針

皇国の国是は八紘を一宇とする肇国の大精神に基き世界平和の確立を招来することを以て根本とし先つ皇国を核心とし日満支の国家結合を根幹とする大東亜の新秩序を建設するに在り

之か為皇国自ら速に新事態に即応する不抜の国家態勢を確立し国家の総力を挙げて右国是の具現に邁進す

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三、國防及外交

内外の新情勢に鑑み國家總力發揮の國防國家體制を強化し國是遂行に遺憾なき萬全を期す。

現下の外交は大東亞の新秩序建設を根幹とし先つ其の重心を支那事變の完遂に置き國際的大局を達觀し建設的にして且つ彈力性に富む施策を講じ以て國運の進展を期す。

三、國内體制の刷新

内政の急務は國體の本義に基き庶政を一新し國防國家體制の基礎を確立するに在り之が爲左記諸件の實現を期す。

1、國體の本義に透徹する敎育の刷新と相俟ち自我功利の思想を排し國家奉仕を第一義とする國民道德を確立す。

2、强力なる新政治體制を確立し國政の總合統一を圖る。

イ、官民協力一體各々其の領域に於し國家に奉公することを基調

ロ、新政治體制に即應し得へき國會翼贊體制の確立
ハ、行政の運用に根本的刷新を加へ其の統一と敏活とを目標とする官界新態勢の確立

3、皇國を中心とする日滿支三國經濟の自主的建設を基調とし國防經濟の根基を確立す。

イ、日滿支を一環とし大東亞を包容する協同經濟圏の確立
ロ、官民協力による計畫經濟の遂行特に主要物資の生産、配給、消費を置く一元的統制機構の整備
ハ、綜合經濟力の發展を目標とする財政金融に金融統制の確立強化
ニ、世界新情勢に對應する貿易政策の刷新
ホ、國民生活必需物資特に主要食糧の自給方策の確立
ヘ、電源産業特に重、化學工業及機械工業の計期的發展
ト、科學の刺期的振興啓發に生産の合理化
チ、內外の新情勢に對應する交通運輸施設の整備擴充
リ、綜合國力の發展を目標とする國土開發計畫の確立

4、國是遂行の原動力たる國民の資質、體力の向上啓に人口增加に

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5、國策の施行に伴ふ國民機能の不均衡の是正を斷行し國生的諸施策の徹底を期すると共に國民生活を刷新し眞に悠久十年時局克服に適應する盾實剛健なる國民生活の水準を確保す。

(a) 農業及農家の安定發展に關する根本方策を樹立す。

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THE INTERNATIONAL SITUATION AND JAPAN'S POSITION.

(ADDRESS OF THE FOREIGN MINISTER, MR. HACHIRO ARITA, DELIVERED OVER THE AIR ON JUNE 29, 1940.)

Japan's ideal since the foundation of the Empire has been that all nations should be enabled to find their proper places in the world. Our foreign policy has also been based upon this ideal, for which we have not hesitated at times even to fight, staking our national existence.

What all mankind longs for is the firm establishment of world peace. But it goes without saying that peace can never endure unless it is a peace in which all nations enjoy their proper places. Unfortunately, however, the establishment of world peace in this sense is difficult of speedy realization at the present stage of human progress. In order to realize such a great ideal, therefore, it seems to be a most natural step that peoples who are closely related with each other geographically, culturally and economically should first form a sphere of their own for co-existence and co-prosperity and establish peace and order within that sphere, and at the same time secure a relationship of common existence and prosperity with other spheres. The cause of strifes mankind has hitherto experienced lies generally in the failure to give due consideration to the necessity of some such natural and constructive world order and to remedy the irrationalities and injustices of old. The war in Europe brings home the truth of this with special emphasis. Therefore, in order to establish international peace on a permanent foundation every

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effort must be exerted for the rectification of the blunders that have been committed in this regard.

It is in this spirit that Japan is now engaged in the task of establishing a new order in East Asia. It is extremely regrettable, therefore, that there should be those who not only fail to understand Japan's great undertaking based upon this fundamental principle, but on the contrary, obstruct the establishment of peace in East Asia by supporting the regime of Chiang Kai-shek. We have urged them to reconsider such an attitude in the past, and now we intend further to urge their serious reflection. We are detertermined to leave no stone unturned in order to eradicate all activities for assisting Chiang Kai-shek.

Some times there are those who would disapprove a change of the status quo by force of arms regardless of the reasons therefor. It is for the purpose of bringing about a just and permanent peace that Japan has been fighting in China for the past three years. Her employment of armed force is an act looking beyond the immediate present. The sword she has drawn is nothing other than a "life-giving sword" that destroys evil and makes justice manifest.

The countries of East Asia and the regions of the South Seas are geographically, historically, racially and economically very closely related to each other. They are destined to co-operate and minister to one another's needs for their common well-being and prosperity, and to promote the peace and progres in their regions. The uniting of all these regions under a

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single sphere on the basis of common existence and the insuring of the stability of that sphere thereby is, I think, a natural conclusion.

The idea to establish first a righteous peace in each of the various regions and then establish collectively a just peace for the whole has long existed also in Europe and America. This system presupposes the existence of a stabilizing force in each region, with which as a center the peoples within that region are to secure their co-existence and co-prosperity as well as the stability of their sphere. It also presupposes that these groups will respect one another's individual characteristics, political, cultural and economic, and they will co-operate and fulfil one another's needs for their common good.

When the present European war broke out, the Japanese Government at once declared their policy of non-involvement and made it clear that this country did not intend to intervene in Europe and at the same time did not want to see the war spread into East Asia. Quite naturally Japan expects that the Western Powers will do nothing that will exert any undesirable influence upon the stability of East Asia.

Japan, while she is carrying on vigorously her task of constructing a new order in East Asia, is paying serious attention to developments in the European war and to its repercussions in the various quarters of East Asia, including the South Seas region. I desire to declare that the destiny

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of these regions is a matter for grave concern to Japan in view of her mission and responsibility as the stabilizing force in East Asia.

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國際情勢と帝國の立場と題する有田外務大臣放送

（六月二十九日）

我か國肇國以來の理想は萬邦をして各々其の所を得しむるに在ります。我外交方針も亦此の理想に基くものてありまして之か爲には時に國運を賭して戰ふことすらも敢て辭せなかつたのてあります。

凡そ世界平和の確立は人類の渇仰する所てありまして其の世界平和なるものは、萬邦各々其の所を得るに非されは、永續性なきことは言を俟たないのてあります。しかし此の忘恩に於ける世界平和の確立は人類進歩の現段階に於ては遺憾乍ら一擧にして達成し難いものかあるのてあります。故に、この大理想を實現する爲には地理的、人種的、文化的、經濟的に密接なる關係にある諸民族か共存共榮の分野を作り先つその範域内に於ける平和と秩序とを確立すると共に他の分野との間にも共存共榮の關係を樹立することか最も自然な順序てあらうと考へるのてあります。

而して人類萬藤の原因か概ね斯る自然的建設的體制を顧みよう

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ともせず又去來の不合理不公正に修正を加へようともしないことに存することは、世界が過去に於て又現在に於て經驗して居る實情でありまして今次歐洲戰爭の勃發に鑑み特にこの感を深うする次第であります。從つて國際平和を恒久的基礎の上に確立致しまする爲には凡ゆる努力を以て斯くの如き過誤を是正せねばならないのであります。

帝國か東亞新秩序の建設に向つて邁進致して居りますのも以上の精神に基くものであります。從て支那事變收拾に關する帝國の態度は從來屢々聲明致しました通り何等支那の存立と相容れないものでないのみならず善隣友好、共存共榮を旨とするものであります。然るに從來帝國のこの大義に立脚せる東亞再建の大業に對し理解を有しないのみならず却て抗政權を支持し東亞に於ける平和の建設を妨礙しつゝあるものゝ存しますのは極めて遺憾なことであります。して從てその反省を促し來つたのでありますが此の際更に其の猛省を促すと共に蔣政府行爲の根絶を期し凡ゆる手段を盡す決意を有するものであります世上往々武力による現狀の打開を

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ともせず又去來の不合理不公正に修正を加へようともしないことに存することは、世界が過去に於て又現在に於て經驗して居る實情でありまして今次歐洲戰爭の勃發に鑑み特にこの感を深うする次第であります。從つて國際平和を恒久的基礎の上に確立致しまする爲には凡ゆる努力を以て斯くの如き過誤を是正せねばならないのであります。

帝國か東亞新秩序の建設に向つて邁進致して居りますのも以上の精神に基くものであります。從て支那事變收拾に關する帝國の態度は從來屢々聲明致しました通り何等支那の存立と相容れないものでないのみならず善隣友好、共存共榮を旨とするものであります。然るに從來帝國のこの大義に立脚せる東亞再建の大業に對し理解を有しないのみならず却て重慶政權を支持し東亞に於ける平和の建設を妨礙しつゝあるものゝ存しますのは極めて遺憾なことでありまして該てその反省を促し來つたのであります此の際更に其の猛省を促すと共に蔣政府行爲の根絶を期し凡ゆる手段を盡す決意を有するものであります世上往々武力による現狀の打開を

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理由の如何を問はず否認せんとするものがありますか、帝國が過去三年に亙り兵を支那に動かして居りますのは公正にして永續性ある平和を招來するが爲に、已むなく發動せる大東的の武力行使でありまして、實に破邪顯正の活人劍を振ひ居るものに外ならないのであります。

東亞の諸國と南洋諸地方とは地理的にも、歷史的にも、民族的にもはたまた經濟的にも極めて密接なる關係にありまして互に相待り相扶け有無相通して共存共榮の實を擧げ、以て平和と繁榮とを增進すへき自然の運命を有するのであります。故に之等の地域を一括して共存の關係に立つ、一分野と爲し、その安定を圖ることか當然の歸結と思はれるのであります。

新くの如く部分的に公正なる平和を確設し、之を集大成して世界全般の公正なる平和を建設せんとするの考は欧米諸國に於ても存するのであります。

而して此の思想は夫々の分野に於ける安定勢力を構想するものでありまして斯る勢力を中心と爲しまして其の分野內に於ける諸

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民族か共存共榮と安定とを確保すると同時に、各か野は他の分野の政治的文化的及經済的特色を尊重し有無相通し而も互に相依存協力することを以て其の内容とするものであります。

今次欧洲戰争か勃發しますや、帝國政府は不介入の方針を聞明し、欧洲戰争に介入せさると共に戰禍の東亜方面に波及するを欲せさることを明に致しましたか、自然帝國としては以米諸國か東亜方面の安定に好ましからさる影響を及ぼすか如き事なきを期待するものであります。

今や帝國は東亜新秩序の建設に邁進して居りますると共に、今次欧洲戰争の成行特に南洋を含む東亜の諸地域に及ぼす影響に付ては常に深甚なる注意を拂ひつつあるものでありまして、此等諸地方に付き齊さるることあるへき遺命に對しましては東亜の安定勢力たる帝國の使命と責任とに鑑みまして重大なる關心を有するものてあることを言明して置きます。

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STATEMENT OF THE JAPANESE GOVERNMENT

November 3 , 1938.

By the august virtue of His Majesty, our naval and military forces have captured Canton and the three cities of Wuhan; and all the vital areas of China have thus fallen into our hands. The Kuomintang Government exists no longer except as a mere local regime. However, so long as it persists in its anti-Japanese and pro-communist policy our country will not lay down its arms--never until that regime is crushed.

What Japan seeks is the establishment of a new order which will insure the permanent stability of East Asia. In this lies the ultimate purpose of our present military campaign.

This new order has for its foundation a tripartite relationship of mutual aid and co-ordination between Japan, Manchoukuo and China in political, economic, cultural and other fields. Its object is to secure international justice, to perfect the joint defence against Communism, and to create a new culture and realize a close economic cohesion throughout East Asia. This indeed is the way to contribute toward the stabilization of East Asia and the progress of the world.

What Japan desires of China is that country will share in the task of bringing about this new order in East Asia. She confidently expects that the people of China will fully comprehend her true intentions and that they will respond to the call of Japan for their co-operation. Even the participation of the Kuomintang Government would not be rejected, if, repudiating the policy which has guided it in the past and re-

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molding its personnel, so as to translate its rebirth into fact, it were to come forward to join in the establishment of the new order.

Japan is confident that other Powers will on their part correctly appreciate her aims and policy and adapt their attitude to the new conditions prevailing in East Asia. For the cordiality hitherto manifested by the nations which are in sympathy with us, Japan wishes to express her profound gratitude.

The establishment of a new order in East Asia is in complete conformity with the very spirit in which the Empire was founded; to achieve such a task is the exalted responsibility with which our present generation is entrusted. It is, therefore, imperative to carry out all necessary internal reforms, and with a full development of the aggregate national strength, material as well as moral, fulfil at all costs this duty incumbent upon our nation.

Such the Government declare to be the immutable policy and determination of Japan.

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CERTIFICATE

Statement of Source and Authenticity

I, HAYASHI Kaoru, Chief of the Archives Section, Japanese Foreign Office, hereby certify that the document attached hereto in Japanese, consisting of 2 pages, remarked " SHIRATORI DOCUMENT No. 10 " and entitled " STATEMENT OF THE JAPANESE GOVERNMENT ON NOVEMBER 3, 1938."

English

is an exact and true copy of the Japanese original.

Signed at Tokyo on this

18th day of September, 1946.

(signed) K. HAYASHI
Signature of Official

Witness: (signed) Nagaharu ODO

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DEF. DOC. #61

Draft of the U.S.-Japanese Undestanding dated April 16, 1941 (Incoming Telegram No. 234 dated April 17)

Rej. 6

The Governments of the United States and of Japan accept joint responsibility for the initiation and conlusion of a general agreement disposing the resumption of our traditional friendly relations.

Without reference to specific causes of recent estrangement, it is the sincere desire of both Governments that the incidents which led to the deterioration of amicable sentiment among our peoples should be prevented from recurrence and corrected in their unforeseen and unfortunate consequences.

It is our present hope that, by a joint effort, both Governments establish a just peace in the Pacific and by the rapid consummation of an enfente cordiale, arrest, if not dispel, the tragic confusion that now threatens to engulf civilization.

For such decisive action, protracted negotiations would seem ill-suited and weakening. We, therefore, suggest that adequate instrumentalities should be developed for the realization of a general agreement which would bind, meanwhile, both Governments in honor and in act.

It is our belief that such an understanding should comprise only the pivotal issues of urgency and not the accessory concerns which would be deliberated at a later conference and appropriately confirmed by our respective Governments.

We presume to anticipate that our Governments could achieve harmonious relations if certain situations and attitudes were clarified or improved; to wit:

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1. The concepts of the United States and of Japan respecting international relations and the character of nations.

2. The attitudes of both Governments towards the European war.

3. The relations of both nations toward the China affair.

4. Naval, aerial and merchantile marine relations in the Pacific.

5. Commerce between both nations and their financial [illegible] cooperation.

6. Economic activity of both nations in the South-Western Pacific area.

7. The policies of both nations affecting political stabilization in the Pacific.

Accordingly. we have come to the following mutual understanding subject, of course, to modification by the United States Government and subject to the official and final decision of the Government of Japan.

1. The concepts of the United States and of Japan respecting international relations and character of nations.

The Governments of United States and of Japan might jointly acknowlege each other as equally sovereign states and contiguous Pacific Powers.

Both Governments assert the unanimity of their national policies as directed toward the foundation of respectful confidence and cooperation among our peoples.

Both Governments might declare that it is their traditional and present concept and conviction that nations and races compose, as members of a family, one house-hold: each equally enjoying rights and admitting responsibilities with a mutuality of interests regulated by peaceful processes and directed to

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the pursuit of their moral and physical welfare, which they are bound not to destroy for others.

Both Governments are firmly determined that their respective traditional concepts on the character of nations and underlying moral principles of social order and national life will continue to be preserved and never transformed by foreign ideas or ideologies contrary to those moral principles and concepts.

11. The Attitudes of both Governments toward the European War. The Government of Japan maintains that the purpose of its Axis alliances was, and is, defensive and designed to prevent the extension of military grouping among Nations not directly affected by the European War.

The Government of Japan, with no intention of evading its existing treaty obligation, desires to declare that its military obligation under the Axis Alliance comes into force only when one of the Parties of the Alliance is aggressively attacked by a Power not at present involved in the European war.

The Government of the United States maintains that its attitude toward the European War is, and will continue to be, determined by no aggerssive alliance aimed to assist any one nation against another. The United States maintains that it is pledged to the hate of war, and accordingly, its attitude toward the European War is, and will continue to be determined solely and exclusively by considerations of the protective defense of its own national welfare and security.

111. China Affair. The President of the United States, if the following terms are approved by His Excellency and guaranteed by the Government of Japan, might request the Chiang-Kai-Shek

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regime to negotiate peace with Japan.

A. Independence of China.

B. Withdrawal of Japanese troops from Chinese territory, in accordance with an agreement to be reached between Japan and China.

C. No acquisition of Chinese territory.

D. No imposition of indemnities.

E. Resumption of "open door", the interpretation and application of which shall be agreed upon at some future, convenient time beween the United States and Japan.

F. Coalescence of the Governments of Chiang-Kai-shek and of Wang-Chinese territory.

G. No large-scale of concentrated immigration Japanese into Chinese territory.

H. Recognition of Manchukuo.

With the acceptance by the Chiang-Kai-shek regime of the aforementiond Presidential request, the Japanese Government shall commence direct peace negotiations with the newly coalesced Chinese Government, or constituent elements thereof.

The Government of Japan shall submit to the Chinese concrete terms of peace, within the limits of aforesaid general terms and along the line of neighborly friendship, joint defence against communistic activities and economic cooperation.

IV. Naval, aerial and mercantile marine relations in the Pacific.

A. As both the Americans and the Japanese are desirous of maintaining peace in the Pacific, they shall not resort to such disposition of their naval forces and areial forces as to menace

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each other. Detailed, concrete agreement thereto shall be left for determination at the proposed joint conference.

B. At the conclusion of the projected conference, each nation might despatch a courtesy naval squadron to visit the country of the other and signalize the new era of peace in the Pacific.

C. With the first ray of hope for the settlement of the China affair, the Japanese Government will agree, if desired, to use their good offices to release for contract by Americans certain percentage of their total tonnage of merchant vessels, chiefly for the Pacific service, as soon as they can be released from their present commitments. The amount of such tonnage shall be determined at the conference.

V. Commerce between both Nations and their financial Cooperation. When official approvation to the present understanding has been given by both Governments, the United States and Japan shall assure each other to mutually supply such commodities as are, respectively, available or required by either of them. Both Governments further consent to take necessary steps to the resumption of normal trade relations as formerly established under the treaty of Navigation and Commerce between the United States and Japan. If a new commercial treaty is desired by both Governments, it could be elaborated at the proposed conference and concluded in accordance with usual procedure.

For the advancement of economic cooperation between both nations, it is suggested that the United States extends to Japan a gold credit in a amount sufficient to foster trade and industrial development directed to the betterment of Far Easterh

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economic conditions and to the sustained economic cooperation of the Governments of the United States and of Japan.

V .V1. Economic activity of both Nations in the South-Western Pacific Area. On the pledged basis of guarantee that Japanese acitvities in the South-Western Pacific Area shall be carried on by peaceful means, without resorting to arms, American cooperation and support shall be given in the production and procurement of natural resources (such as oil, rubber, tin, nickel)which Japan needs. JaganVIdsThe policies of both Nations affecting political stabilizations in the Pacific.

A. The Governments of the United States and of Japan will not acquiesce in the future transfer of territories or the relegation of existing states within the Far East and in the South-Eastern Pacific Area to any European Power.

B. The Governments of the United States and of Japan jointly guarantee the independence of the Philippine Islands and will consider means to come to their assistance in the event of unprovoked aggression by any third Power.

B. Japanese immigration to the United States and to the South-Western Pacific Area shall receive amicable consideration on a basis of equality with other nationals and freedom from discrimination.

Conference.

A. It is suggested that a conference between delegates of the United States and of Japan be held at Honolulu and that this conference be opened for the United States by President Roosevelt and for Japan by Prince Konoye. The delegates could number less than five each, exclusive of experts, clerks, etc.

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B. There shall be no foreign observers at the Conference.

C. This Conference could be held as soon as possible (May 1941) after the present understanding has been reached.

D. The Agenda of the Confernnce would not include the consideration of the present understanding but would direct its efforts to the specification of the pre-arranged Agenda and drafting of instruments to effectuate the understanding. The precise Agenda could be determined by mutual agreement between both Govornments.

Addendum.

The present understanding shall be kept as a Confidential Memorandum between the Governments of the United States and of Japan. The scope, character and timing of the announcement of this understanding will be agreed upon by both Governments.

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DEF. DOC. #61

C E R T I F I C A T E

Statement of Source and Authenticity

I, SHIMODA Takeso, Chief of the Archives Section, Japanese Foreign Office, hereby certify that the document in English consisting of 7 pages and entitled " Draft of the U.S.-Japanese Understanding dated April 16, 1941 (Incoming Telegram No. 231, dated April 17) is an exact and true copy of an official document of Japanese Foreign Office.

Signed at Tokyo on this

6th day of August, 1946

T. SHIMODA
Signature of Official

Witness: Masaharu Oka

DEF. DOC. #61

四月十六日日米兩國諒解案四月十七日來電第二三四號

日本國政府及米國政府ハ兩國間ノ傳統的友好關係ノ回復ヲ目的トスル全般的協定ヲ交渉シ且之ヲ締結センカ爲玆ニ共同ノ責任ヲ受諾ス

兩國政府ハ兩國國交ノ最近ノ破隔ノ原因ニ付テハ時ニ之ヲ論議スルコトナク兩國民間ノ友好的感情ヲ惡化スルニ至リタル事件ノ再發ヲ防止シ其ノ不測ノ發展ヲ制止スルコトヲ衷心ヨリ希望ス

兩國共同ノ努力ニ依リ太平洋ニ道義ニ基ク平和ヲ樹立シ兩國間ノ緊切ナル友好的諒解ヲ速カニ完成スルコトニ依リ文明ヲ壓沒セントスル悲シムヘキ混亂ノ脅威ヲ一掃セントスルニ於テハ速カニ之ヲ擴大セシメサラントスルコトハ兩國政府ノ切實ニ希望スル所ナリトス

前記ノ決定的行動ノ爲ニハ長期ノ交渉ハ不適當ニシテ又優柔不斷ナルニ鑑ミ玆ニ全般的協定ヲ成立セシムル爲兩國政府ヲ道義的ニ

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拘束シ其ノ行爲ヲ規律スルヘキ適當ナル手段トシテ文書ヲ作成スルコトヲ提議スルモノナリ

右ノ如キ了解ハ之ヲ緊急ナル寫要問題ニ限局シ會議ノ審議ニ俟リ後ニ適當ナル兩國政府間ニ於テ確認シ得ヘキ附隨的事項ハ之ヲ含マシメサルヲ適當トス

兩國政府間ノ關係ハ右記ノ諸點ニ付事態ヲ明瞭ニシ又ハ之ヲ改善シ得ルニ於テハ著シク調整シ得ヘシト認メラル

一、日本兩國ノ拘懷スル國際觀念竝ニ國家觀念

二、歐洲戰爭ニ對スル兩國政府ノ態度

三、支那事變ニ對スル兩國政府ノ關係

四、太平洋ニ於ケル海軍兵力及航空兵力竝ニ海運關係

五、兩國間ノ通商及金融提携

六、南西太平洋方面ニ於ケル兩國ノ經濟的活動

七、太平洋ノ政治的安定ニ關スル兩國政府ノ方針

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節述ノ事情ヨリ玆ニ左記ノ了解ニ到達シタリ右了解ハ米國政府ノ修正ヲ經タル後日本國政府ノ最後的且公式ノ決定ニ俟ツヘキモノトス

一、日米兩國ノ抱懷スル國際觀念及國家觀念

日米兩國政府ハ相互ニ其ノ對等ノ獨立國ニシテ相隣接スル太平洋諸國タルコトヲ承認ス

兩國政府ハ恒久ノ平和ヲ確立シ兩國間ニ相互ノ信賴ト協力ノ新時代ヲ劃サンコトヲ希望スル事實ニ於テ兩國ノ國策ノ一致スルコトヲ聲明ヲシントス

兩國政府ハ各國故ニ各人ハ相援リテ人類一家ノ平和的方法ニ依リ調和シ落着的ノ利ヲ享有シ相互ニ利益ヲ之ヲ平和ヲ物質的ノ福祉ヲ追求シ之ヲ自ラ擁護スルト共ニ之ヲ破壞セサルヘキ責任ヲ容認スルコトハ兩國政府ノ傳統的確信ナルコトヲ聲明ス

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兩國政府ハ相互ニ兩國固有ノ傳統ニ基ク國家觀念及社會的秩序竝ニ國家生活ノ基礎タル道義的原則ヲ保持スヘク之ニ反スル外來思想ノ跳梁ヲ許容セサルノ鞏固ナル決意ヲ有ス

二、歐洲戰爭ニ對スル兩國政府ノ態度

日本國政府ハ枢軸同盟ノ目的ハ防衛的ニシテ現ニ歐洲戰爭ニ參入シ居ラサル國家ニ對シ軍事的活動ヲ開始シ又ハ其ノ擴大スルコトヲ防止スルニ在ルモノナルコトヲ聞明ス

日本國政府其ノ現在ノ條約上ノ義務ハ該同盟締約國別途ヲ有セス尤モ枢軸同盟ニ基ク軍事上ノ義務ハ該同盟ニ依リ發生スルカ現ニ歐洲戰爭ニ參入シ居ラサル國ニ依リ積極的ニ攻撃セラレタル場合ニ於テノミ發動スルモノナルコトヲ聞明ス

米國政府ハ其ノ歐洲戰爭ニ對スル態度ハ現在及將來ニ於テ一方ノ國ヲ援助シテ他方ヲ攻撃セントスルカ如キ攻撃的同盟ニ依リ支配セラルルサルヘキコトヲ聞明ス米國政府ハ戰爭ヲ嫌惡スルコ

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DEF. DOC. #01

トニ於テ牢固タルモノアリ從ツテ其ノ欧洲戰爭ニ對スル態度ハ現在及將來ニ亘リ專ラ自國ノ論祉ト安全トヲ防衛スルノ考慮ニ依リテノミ決セラルヘキモノナルコトヲ聲明ス

三、支那事変ニ對スル兩國政府ノ關係

米國大統領カ左記條件ヲ容認シ且日本國政府カ之ヲ保障シタルトキハ米國大統領ハ之ニ依リ蔣政權ニ對シ和平ノ勸告ヲ爲スヘシ

1、支那ノ獨立
2、日支間ニ成立スヘキ協定ニ基ク日本國軍隊ノ支那領土從退
3、支那領土ノ非併合
4、非賠償
5、門戸開放方針ノ復活但シ之カ件及適用ニ關シテハ將來適當ノ時期ニ日米兩國間ニ於テ協議セラルヘキモノトス
6、蔣政權ト汪政府トノ合流

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7、支那領土ヘノ日本ノ大量的又ハ集団的移民ノ自制

8、満洲國ノ承認

蔣政權ニ於テ米國大統領ノ勧告ニ應シタルトキハ日本國政府ハ新タニ統一樹立セラルヘキ支那政府又ハ該政府ヲ構成スヘキ分子ヲシテ直ニ直接ニ和平交渉ヲ開始スルモノトス

日本國政府ハ前記條件ノ範圍内ニ於テ且善隣友好防共共同防衛及經濟提携ノ原則ニ基キ具體的和平條件ヲ直接支那側ニ提示スヘシ

四、太平洋ニ於ケル海軍兵力及航空兵力竝ニ海運關係

1、日米兩國ハ太平洋ノ平和ヲ維持センコトヲ欲スルヲ以テ相互ニ他方ヲ脅威スルカ如キ海軍兵力及航空兵力ノ配備ハ之ヲ採ラサルモノトス右ニ關スル具體的ノ細目ハ之ヲ日米間ノ協議ニ委ルモノトス

2、日米會談安結ニ當リテハ兩國ハ相互ニ親善ヲ派遣シ儀禮的

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ニ他方ヲ訪問セシメ以テ大平洋ニ平和ノ到來シタルコトヲ壽クモノトス

3、支那事變解決ノ緒ニ就キタルトキハ日本國政府ハ米國政府ノ希望ニ應シ現ニ就役中ノ自國船舶ニシテ解役シ得ルモノヲ速カニ米國トノ契約ニ依リ主トシテ太平洋ニ於テ就役セシムル樣斡旋スルコトヲ承認ス但シ其ノ噸數等ハ日米會談ニ於テ之ヲ決定スルモノトス

五、兩國間ノ通商及金融提携

今次ノ了解成立シ兩國政府之ヲ承認シタルトキハ日米兩國ハ各其ノ必要トスル物資ヲ相手國カ有スル場合相手國ヨリ之カ確保ヲ計畫セラルルモノトス又兩國政府ハ嘗テ日米通商條約有效期間中存在シタルカ如キ正常ノ通商關係ヘノ復歸ノ爲通當ナル方法ヲ講スルモノトス尙兩國政府ハ新通商條約ノ締結ヲ欲スルトキハ日米會談ニ於テ之ヲ考究シ通常ノ慣例ニ從ヒ之ヲ締結スル

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モノトス

兩國間ノ經濟提携促進ノ爲米國ハ日本ニ對シ東亞ニ於ケル經濟狀態ノ改善ヲ目的トスル商工業ノ發達及日米經濟提携ヲ實現スルニ足ル金「クレヂツト」ヲ供給スルモノトス

六、南西太平洋方面ニ於ケル兩國ノ經濟活動

日本ノ南西太平洋方面ニ於ケル發展ハ武力ニ訴フルコトナク平和的手段ニ依ルモノナルコトノ保障セラレタルニ鑑ミ日本ノ欲スル同方面ニ於ケル資源例ヘハ石油、護謨、鑛、「ニツケル」等ノ物資ノ生産及獲得ニ關シ米國側ノ協力及支持ヲ得ルモノトス

七、太平洋ノ政治的安定ニ關スル兩國ノ方針

ⅰ、日米兩國政府ハ歐洲諸國カ將來東亞及南西太平洋ニ於テ領土ノ割譲ヲ受ケ又ハ現存國家ノ併合等ヲ爲スコトヲ容認セサルヘシ

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2、日米兩國政府ハ比島ノ獨立ヲ共同ニ保障シ之カ挑戰ナクシテ第三國ノ攻撃ヲ受クル場合ノ求援方法ニ付考慮スルモノトス

3、米國及南西太平洋ニ對スル日本移民ハ友好的ニ考慮セラレ他國民ト同等無差別ノ待遇ヲ與ヘラルヘシ

日米會談

（1）日米兩國代表者間ノ會談ハ「ホノルル」ニ於テ開催セラルヘク合衆國ヲ代表シテ「ルーズヴエルト」大統領日本國ヲ代表シテ近衛首相ニ依リ開會セラルヘシ代表者長ハ各國五名以内トス尤モ專門家書記等ハ之ニ含マス

（2）本會談ニハ第三國「オブザーバー」ヲ入レサルモノトス

（3）本會談ハ兩國間ニ今次了解成立後成ルヘク遠カニ開催セラルヘキモノトス（本年五月）

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（4）本會談ニ於テハ今次了解ノ各項ヲ再讃セス兩國政府ニ於テ講メ攻極メタル議題ハ兩國政府間ニ協定セラルルモノトス

附　則

本了解事項ハ兩國政府間ノ祕密覺書トス本了解事項發表ノ範圍竝ニ發表ノ時期ハ兩國政府間ニ於テ協定スルモノトス

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DFF. DOC. #61

C E R T I F I C A T E

Statement of Source and Authenticity

I, SHIMODA Takeso, Chief of the Archives Section, Japanese Foreign Office, hereby certify that the document in Japanese consisting of 10 pages and entitled " Draft of the U.S.-Japanese Understanding dated April 16, 1941 (Incoming Telegram No. 234, dated April 17) is an exact and true copy of an official document of Japanese Foreign Office.

Signed at Tokyo on this
6th day of August, 1946

(signed) T. Shimoda
Signature of Official

Witness: (signed) Nagaharu Odo

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DEF. DOC. #65.

Ref'

STATEMENT OF THE JAPANESE GOVERNMENT
DATED AUGUST 15TH, 1937.

The Imperial Japanese Government, in its desire to secure permanent peace in East Asia, has always striven to promote friendship and cooperation between Japan and China. However, an atmosphere of hostility towards Japan has been created throughout China by anti-Japanese agitations used as an instrument by the Nanking Government to arouse public opinion and to enhance its own political power. The Chinese, over-confident of their national strength, contemptuous of our power, and also in league with the Communists, have assumed toward Japan an increasingly arrogant and insulting attitude. Herein lies the cause of all untoward events which have arisen repeatedly during recent years.

The present Incident is but the inevitable outcome of this situation. Dynamite had been ignited; the inevitable explosion merely happened to occur on the banks of the Yunting. The terrible Tungchow massacre is also traceable to the same cause. In South and Central China, Japanese lives and property have been so jeopardized that our people have been compelled to evacuate, abandoning everything they had acquired after years of incessant toil.

As has been frequently declared since the outbreak of the present Incident, the Japanese Government, exercising utmost patience and restraint, has steadfastly pursued a policy of non-aggravation of the situation, and has endeavoured to reach a settlement locally and in a peaceful manner. In the Peiping and Tientsin area, our Garrison, in the face of countless Chinese provocations and lawless actions, has done no more than was ab-

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solutely necessary to secure lines of communications and to protect Japanese nationals there.

On the other hand, our Government advised the Nanking Government to put an immediate stop to all provocative acts and to refrain from obstructing the negotiations being conducted on the spot. The Nanking Government not only refused to follow our counsel, but proceeded toward the completion of war-like preparations against us. In flagrant violation of solemn military agreements, the Chinese moved vast armies northward, menacing our Garrison, and concentrated troops in and around Shanghai. Their provocative attitude became more clearly defined at Hankow. Finally at Shanghai, the Chinese opened fire upon our Naval Headquarters and bombed our warships from the air.

In this manner have the Chinese insulted our Government, committed acts of unpardonable atrocity against our country, and gravely endangered the lives and property of our nationals throughout China. They have finally exhausted the patience of the Japanese Government. It has thus become imperative to take drastic measures in order to chastise the lawless Chinese troops and to impress upon the Nanking Government the necessity for reconsideration of its attitude toward Japan.

That matters should have come to this pass is deeply deplored by the Japanese Government which earnestly desires the maintenance of peace in the Orient and sincerely hopes for the attainment of common prosperity and public welfare in Japan and China. The aim of the Japanese Government is none other than the realization of Sino-Japanese cooperation. Their only desire is to eradicate the anti-foreign and anti-Japanese movement rampant in China, and

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completely to eliminate the fundamental causes of unfortunate incidents such as the present one, with a view to bringing about truly harmonious collaboration among Japan, Manchoukuo and China.

Needless to say, the Japanese Government harbours no territorial designs. Its sole intention is to bring to reason the Nanking Government and the Kuomintang Party, both of which have persistently incited anti-Japanese sentiments among the Chinese people. The Japanese bear no ill-will toward the innocent Chinese masses. In conclusion we hereby state that the Japanese Government will spare no efforts in safeguarding foreign rights and interests in China.

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DEF. DOC. #65.

CERTIFICATE

Statement of Source and Authenticity

I, ODO, Nagaharu, Assistant Chief of the Archives Section, Japanese Foreign Office, hereby certify that the document in English entitled "STATEMENT OF THE JAPANESE GOVERNMENT DATED AUGUST 15TH, 1937." is an exact and true copy of an official translation of the Japanese Foreign Office.

Certified at Tokyo 4 October 1946.

(signed) Nagaharu, ODO
Signature of Official

Witness: (signed) T. SATO

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DEF. DOC. #65

Ref

帝國政府第二次聲明（八月十五日）

帝國夙ニ東亞永遠ノ平和ヲ冀念シ、日支兩國ノ親善提携ニ力ヲ效セルコト久シキニ及ヘリ、然ルニ南京政府ハ排日抗日ヲ以テ國論昂揚ト政權强化ノ具ニ供シ、自國國力ノ過信ト帝國ノ實力輕視ノ風潮ト相俟ツ更ニ赤化勢力ト苟合シテ反日侮日愈々甚シク、以テ帝國ニ敵對セントスルノ氣運ヲ醸成セリ、近年幾度カ惹起セル不祥事件何レモ之ニ因由セサルナシ、今次事變ノ發端モ亦此ノ如キ氣勢カ其ノ爆發點ヲ偶々永定河畔ニ於ケル偶發的衝突ニ過キサリシニ拘ハラス、通州ニ於ケル紳人共ニ許ササル殘虐事件ノ因由亦玆ニ發シ、爾來支那側ノ挑戰的行動ニ起因シ帝國臣民ノ生命財産ニ危殆ニ瀕シ我居留民ハ多年營々トシテ建設セル安住ノ地ヲ捨テ遂ニ一時撤退スルノ已ムナキニ至レリ。

顧ミレハ事變發生以來屢々聲明セルカ如ク、帝國ハ隱忍ヲ重ネ事件ノ不擴大ヲ方針トシ、努メテ平和的且局地的ニ處理センコトヲ企圖シ、平津地方ニ於ケル支那軍屢次ノ挑戰及不法行爲ニ對シテモ、我カ居留民保護ノ爲メ眞ニ已ムヲ得サル自衛行動ニ行テタルニ過キス、而モ帝國政府ハ夙ニ南京

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DEF. DOC. #65

政府ニ對シテ挑戰的言動ノ即時停止ト現地解決ヲ妨害セサル樣注意ヲ喚起シタルニモ拘ラス南京政府ハ我カ勸告ヲ嘲カサルノミナラス却テ益々我方ニ對シ戰備ヲ整ヘ政存ノ軍事協定ヲ履リテ居ミルコトナク、軍ヲ北上セシメテ我カ支那在住軍ヲ脅威シ、又漢口、上海ソノ他ニ於テハ兵ヲ集メテ愈々挑戰的態度ヲ露骨ニシ上海ニ於テハ遂ニ我ニ向ツテ砲火ヲ開キ帝國軍ニ對シテ攻撃ヲ加フルニ至レリ。

此ノ如ク支那側カ帝國ヲ敵視シ不法暴虐至ラサルナク全支ニ亘ル我カ居留民ノ生命財産危殆ニ陷ルニ及ンテハ、帝國トシテハ最早隱忍ソノ限度ニ達シ、支那軍ノ暴戾ヲ膺懲シ以テ南京政府ノ反省ヲ促ス覺今ヤ既ニ已ムナキニ至レリ。

此ノ如キハ東洋平和ヲ念願シ日支ノ共存共榮ヲ翹望スル帝國トシテ夏心ヨリ遺憾トスル所ナリ、然レトモ帝國ノ眞意ハ日支ノ提携ニ在リ、コレカタメ支那ニオケル所謂抗日運動ヲ根絶シ今次事變ノ如キ不祥事發生ノ根因ヲ芟除スルト共ニ日滿支三國間ノ親和提携ノ實ヲ擧ケントスルノ外他意ナク、固ヨリ毫末モ領土的意圖ヲ有スルモノニアラス、又支那國民ヲシテ抗日ニ驅ラシメツツアル南京政

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D3F. DOC. #65

府及國民衆ノ覺醒ヲ促サントスルモ終事ノ一般大衆ニ對シテハ何等
敵意ヲ有スルモノニアラス且列國相互ノ尊重ニハ攻善ノ努力ヲ惜マ
サルヘキハ言ヲ俟タサル所ナリ。

PURL: http://www.legal-tools.org/doc/910ddd/

not used

DEF. DOC. #66.

STATEMENT OF MR. YOSUKE MATSUOKA, MINISTER FOR FOREIGN AFFAIRS.

August 1, 1940.

I have always said that the mission of Japan is to proclaim and demonstrate KODO (The Imperial Way) throughout the world. Viewed from the standpoint of international relations, this amounts, I think, to enabling all nations and races to find each its proper place in the world. Accordingly the immediate aim of our foreign policy at present is to establish, in accordance with the lofty spirit of KODO, a great East Asian chain of common prosperity with the Japan-Manchoukuo-China group as one of the links. We shall thus be able to demonstrate KODO in the most effective manner, and pave the way toward the establishment of an equitable world peace. We should be resolved to surmount all obstacles, both material and spiritual, lying in our path. Furthermore, in concert with those friendly Powers which are prepared to co-operate with us, we should strive with courage and determination for the fulfilment of the ideal and the heaven-ordained mission of our country.

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DEF. DOC. #63.

CERTIFICATE

Statement of Source and Authenticity

I. HAYASHI Kaoru, Chief of the Archives Section, Japanese Foreign Office, hereby certify that the document attached hereto in Japanese English, consisting of 1 1 pages, remarked "SHIRATORI DOCUMENT No 7" and entitled "Statement of Mr Yosuke MATSUOKA, Minister for Foreign Affairs, August 1, 1940" is an exact and true copy of the Japanese original.

Signed at Tokyo on this

10th day of Sept., 1946

(signed) K. HAYASHI
Signature of Official

Witness: Nagaharu ODO

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DTF. DOC. #66

not used

一、

我が国策と外交に関する松岡外務大臣談話（八月一日）

私は年来皇道を世界に宣布することが皇国の使命であると主張してきたのでありますが、最近列国情勢より皇道を見ますれば、それは興亜に各国民、各民族をして各その所を得せしめることに帰着するものであります。即ち我国現前の外交方針としてはこの皇道の大精神に則り、先つ日満華を其一環とする大東亜共栄圏の確立を図るにあらねばなりませぬ。之かくて力強く皇道を宣布し公正なる世界平和の確立に貢献する覚悟に上る所以であります。而して、我国民はこの覚悟に徹底するところの有形無形一切の障碍を排除するはもとより、更に進んで世界に冠絶する友邦と提携不渝たる堅き国民の勇武心を以て、天より課せられたる皇国の理想と使命の達成を期すべきものと堅く信じてあります。

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Def. Doc. #70

Ref

AGREEMENT BETWEEN MANCHOUKUO AND THE UNION OF SOVIET SOCIALIST REPUBLICS FOR THE CESSION TO MANCHOUKUO OF THE RIGHTS OF THE UNION OF SOVIET SOCIALIST REPUBLICS CONCERNING THE NORTH MANCHURIA RAILWAY (CHINESE EASTERN RAILWAY)

Signed at Tokyo, March 23, 1935.
Effective from March 23, 1935.
Published March 25, 1935.

Manchoukuo and the Union of Soviet Socialist Republics, being desirous to settle the question of the North Manchuria Railway (Chinese Eastern Railway) and thus to contribute to the safeguards of peace in the Far East, have resolved to conclude an Agreement for the Cession to Manchoukuo of the Rights of the Union of Soviet Socialist Republics concerning the North Manchuria Railway (Chinese Eastern Railway), and have to that end named as their Plenipotentiaries, that is to say:

The Government of Manchoukuo:

W.S.Y. TINGE, Envoy Extraordinary and Minister Plenipotentiary to Japan;

CHUICHI OHASHI, Vice-Minister for Foreign Affairs;

WU-TSE-SHENG, Adviser to the Directorate-General of the North Manchuria Railway (Chinese Eastern Railway);

The Government of the Union of Soviet Socialist Republics;

CONSTANTIN CONSTANTINOVITCH YOURENEFF, Member of the Central Executive Committee of the Union of Soviet Socialist Republics and Plenipotentiary Representative of the Union of Soviet Socialist Republics in Japan;

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Benedict Ignatievitch KOZLOVSKY, Chief of Department of the People's Commissariat for Foreign Affairs;

Stepan Matveievitch KUZNETSOFF, Vice-Chairman of the Board of Directors of the North Manchuria Railway (Chinese Eastern Railway);

Who, having communicated to each other their respective Full Powers, found to be in good and due form, have agreed upon the following Articles:

ARTICLE 1.

The Government of the Union of Soviet Socialist Republics shall cede to the Government of Manchoukuo all the rights they possess concerning the North Manchuria Railway (Chinese Eastern Railway), in consideration of which the Government of Manchoukuo shall pay to the Government of the Union of Soviet Socialist Republics the sum of one hundred and forty million (140,000,000) yen in Japanese currency.

ARTICLE 2.

All the rights of the Government of the Union of Soviet Socialist Republics concerning the North Manchuria Railway (Chinese Eastern Railway) shall pass to the Government of Manchoukuo upon the coming into force of the present Agreement, and at the same time the North Manchuria Railway (Chinese Eastern Railway) shall be placed under the complete occupation and the sole management of the Government of Manchukuo.

ARTICLE 3.

1. Upon the coming into force of the present Agreement, the

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senior members of the administration of the North Manchuria Railway (Chinese Eastern Railway) who are citizens of the Union of Soviet Socialist Republics shall be released from their duties. The said senior members of the administration of the Railway shall hand over all the archives, records, papers and documents of whatever description in their charge to their respective successors in the new administration of the Railway.

It is understood that the term the "senior members of the administration of the North Manchuria Railway (Chinese Eastern Railway)" employed in the present Article indicates:

(A) All the members of the Board of Directors and of the Audit Committee.

(B) The general manager and assistant manager of the Administration.

(C) The assistant chief controller.

(D) All the managers and sub-managers of the Departments of the Board of Directors, the Audit Committee, the Control and the Administration. All agents for commission, engineers for commission. All the senior agents, advisers and chiefs of the sections and sub-sections.

2. With the aim of ensuring the normal functioning of the Railway, the Government of the Union of Soviet Socialist Republics agree to place at the disposal of the new administration the following persons from among the senior members of the administration of the Railway who are citizens of the Union of Soviet Socialist Republics as advisers for one month from the

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date of the coming into force of the present Agreement:

(A) The general manager of the Administration.

(B) The manager of General Affairs Office of the Administration.

(C) The manager of the Motive Power Department of the Administration.

(D) The chief of the Financial Department of the Administration

(E) The manager of the Commercial Department of the Administratio

3. At any time after the coming into force of the present Agreement, the Government of Manchoukuo may dismiss any or all of the following persons:

(A) All the chiefs of railway sections, stations and depots.

(B) The chief of all the following auxiliary enterprises of the Railway:

a. Forest concessions and lumbering.

b. Coalmines.

c. Power stations.

d. Printing plant.

e. Auxiliary enterprises of the Commercial Department.

f. Nursery and green-houses in Harbin.

g. Main workshops of the Ways Department.

h. Wool-Washing works and hydro-loading works.

i. Water works in Harbin.

j. Soft-drinks factory.

k. Saw-mill.

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l. Gradations of beans.

m. waste-cleaning works,

n. Grand Hotel.

o. Health resorts and sanatoria.

p. Hospitals and clinics.

q. Library.

r. Economics Bureau.

4. The persons referred to in Section 1 of the present Article shall have the right to remain in Manchoukuo and to retain their railway lodgings for one month after the coming into force of the present Agreement.

The persons referred to in Section 2 of the present Article shall have the right to remain in Manchoukuo and to retain their railway lodgings for two months after the coming into force of the present Agreement.

Those persons who have been dismissed by virtue of Section 3 of the present Article shall have the right to receive their regular salary for one month from the date of their dismissal. They shall have the right to remain in Manchoukuo and to retain their railway lodgings for two months from the date of their dismissal.

ARTICLE 4.

The Government of Manchoukuo shall succeed to the assets and liabilities of the North Manchuria Railway (Chinese Eastern Railway) in accordance with the list of assets and liabilities of the Railway as on December 31st, 1933, presented by the Delegation of the Government of the Union of Soviet Socialist Republics on March 22nd, 1934, to the Delegation of the Govern-

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ment of Manchoukuo through the Minister for Foreign Affairs of Japan, as supplemented by the lists which were made on March 17th and March 21st, 1935, in order to show the changes sustained by the assets and liabilities included in the first list from the date of the first list up to the date of the last list and also to show the new assets and liabilities which have arisen on and after January 1st, 1934.

It is agreed that the provisions of Section 4, Article 9 of the Agreement on General Principles for the Settlement of the Questions between the Union of Soviet Socialist Republics and the Republic of China signed at Peking on May 31st, 1924, and those of Section 3, Article 1 of the Agreement between the Government of the Union of Soviet Socialist Republics and the Government of the Autonomous Three Eastern Provinces of the Republic of China signed at Mukden on September 20th, 1924, shall remain in force.

ARTICLE 5.

The Government of the Union of Soviet Socialist Republics shall have the right to maintain the following property for the use of their Consulate General in Harbin in the form of a permanent and rent-free lease;

a. The land and buildings now occupied by the said Consulate General;

Locality: Yio-Ching-Kai, Chin-Chia-Kang.

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Area: 14,873,68 square metres.

Buildings:

Office, No. 1049; 2,174.90 square metres.

Residence, No. 1047; 685.37 square metres.

Residence, No. 1048; 1,447.61 square metres.

Garage and its annex, No. 1051; 245.88 square metres.

Guard-room, No. 1052; 38.90 square metres.

b. The land and building now occupied by the Officials of the said Consulate General:

Locality: Hai-Cheng-Kai, Chin-Chia-Kang.

Area: 2,530 square metres.

Building: No. 934; 258.51 square metres.

The following property shall be leased rent-free and sine die to the Consul General of the Union of Soviet Socialist Republics in Harbin on the day of the coming into force of the present Agreement, and shall immediately thereafter be placed and remain under the occupation and management of the community of the citizens of the Union of Soviet Socialist Republics in Harbin to be used solely for the purposes prescribed hereunder;

a. The IVTH School of the North Manchuria Railway (Chinese Eastern Railway), situated at No. 35, Shang-Wu-Kai, Tao-Li, Harbin, with all the buildings and property to be found there, to be used for the elementary and secondary education of the said community.

b. The land known under No. 949, at the corner of Kao-

PURL: http://www.legal-tools.org/doc/020826/

Area: 14,873,68 square metres.

Buildings:

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Shi-Kai and Ching-Cha-Kai, Tao-Li, Harbin, with all the buildings on it, which are to be used in the future as a hospital.

Within one month from the date of the coming into force of the present Agreement, a library shall be selected, for the use of the above mentioned IVth School (TN: to be made up of books) from the library belonging to the Northern Manchurian Railway (Chinese Eastern Railway) in Harbin, by mutual agreement between the local authorities of Manchoukuo and the Consul General of the Union of Soviet Socialist Republics in Harbin. The books so selected shall be transferred to the said School.

ARTICLE 6.

The properties occupied by the North Manchuria Railway (Chinese Eastern Railway) which are claimed by the Government of the Union of Soviet Socialist Republics as belonging to them and not to the Railway, and the properties existing in the territory of the Union of Soviet Socialist Republics which are claimed by the Government of Manchoukuo as belonging to the North Manchuria Railway(Chinese Eastern Railway), are regarded as having been mutually renounced by respective Governments in favour of the other Government, and neither Government shall in future raise against the other Government any demand concerning the said properties.

The above provisions shall not apply to the properties(buildings and their sites and other railway properties) of the Transbaikal Railway now existing at Manchuli, and the properties of the Ussuri Railway now existing at Suifenho, which are actually occupied respectively by the said two Railways and shall remain their property under their management.

PURL: http://www.legal-tools.org/doc/020826/

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The above provisions shall not apply to the properties(buildings and their sites and other railway properties) of the Transbaikal Railway now existing at Manchuli, and the properties of the Ussuri Railway now existing at Suifenho, which are actually occupied respectively by the said two Railways and shall remain their property under their management.

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Shi-Kai and Ching-Cha-Kai, Tao-Li, Harbin, with all the buildings on it, which are to be used in the future as a hospital.

Within one month from the date of the coming into force of the present Agreement, a library shall be selected, for the use of the above mentioned IVth School (TN: to be made up of books) from the library belonging to the Northern Manchurian Railway (Chinese Eastern Railway) in Harbin, by mutual agreement between the local authorities of Manchoukuo and the Consul General of the Union of Soviet Socialist Republics in Harbin. The books so selected shall be transferred to the said School.

ARTICLE 6.

The properties occupied by the North Manchuria Railway (Chinese Eastern Railway) which are claimed by the Government of the Union of Soviet Socialist Republics as belonging to them and not to the Railway, and the properties existing in the territory of the Union of Soviet Socialist Republics which are claimed by the Government of Manchoukuo as belonging to the North Manchuria Railway(Chinese Eastern Railway), are regarded as having been mutually renounced by respective Governments in favour of the other Government, and neither Government shall in future raise against the other Government any demand concerning the said properties.

The above provisions shall not apply to the properties(buildings and their sites and other railway properties) of the Transbaikal Railway now existing at Manchuli, and the properties of the Ussuri Railway now existing at Suifenho, which are actually occupied respectively by the said two Railways and shall remain their property under their management.

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ARTICLE 7.

Out of the sum of one hundred and forty million (140,000,000) yen in Japanese currency referred to in Article 1 of the present Agreement, the sum of forty six million seven hundred thousand (46,700,000) yen shall be paid in cash in accordance with the provisions of Article 8 of the present Agreement and the settlement for the remaining sum of ninety-three million three hundred thousand (93,300,000) yen shall be effected in the form of payments made by the Government of Manchoukuo for goods delivered to the Government of the Union of Soviet Socialist Republics in accordance with the provisions of Article 9 of the present Agreement.

ARTICLE 8.

Out of the sum of forty-six million seven hundred thousand (46,700,000) yen to be paid in cash in accordance with the provisio of Article 7 of the present Agreement, the sum of twenty-three million three hundred thousand (23,300,000) yen shall be paid simultaneously with the signing of the present Agreement.

The remaining sum of twenty-three million four hundred thousan (23,400,000) yen as well as the simple interest a the rate of three per cent per annum is to be paid by the Government of Manchoukuo to the Government of the Union of Soviet Socialist Republic in the form of the Treasury Bonds of the Government of Manchoukuo. The said Treasury Bonds are to be issued of the following amounts and mature on the dates indicated hereunder: six million three hundred and seventy-six thousand five hundred (6,376,500) yen maturing on December 23rd, 1935; six million two hundred and forty-four thousand eight hundred and seventy-five

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(6,244,875) yen maturing on September 23rd, 1936; six million one hundred and thirteen thousand two hundred and fifty (6,113,250) yen maturing on June 23rd, 1937; five million nine hundred and eighty-one thousand six hundred and twenty-five (5,981,625) yen maturing on March 23rd, 1938. The Treasury Bonds of the Government of Manchoukuo mentioned above are to be issued in favour of the Government of the Union of Soviet Socialist Republics and are to be delivered by the Representative of the Government of Manchoukuo to the Representative of the Government of the Union of Soviet Socialist Republics simultaneously with the signing of the present Agreement, and shall be paid at the Industrial Bank of Japan Ltd.

In case the exchange rate of the yen in terms of the Swiss franc calculated on the basis of the respective exchange rates of the yen and the Swiss franc in London on the day before the date of payment of any of the second and subsequent instalments provided for in the present Article should be lower or higher by eight per cent or more in comparison with the exchange rate of the yen in terms of the Swiss franc as calculated on the basis of the respective exchange rates of the yen and the Swiss franc in London on the date of the coming into force of the present Agreement, the amount of the said instalment shall be increased or reduced, as the case may be, so that the value in Swiss francs of the instalment shall be the same as it is on the date of the coming into force of the present Agreement.

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In case the present gold parity of the Swiss franc (one Swiss franc being equivalent to nine thirty-firsts of one gram of fine gold) should be altered or in case the convertibility of the Swiss franc into gold should be suspended, the following method shall be adopted in place of the method provided for in the preceding paragraph.

In case the weight of fine gold whose value, when calculated on the basis of the price of gold and the exchange rate of the yen in London on the day before the date of payment of any of the second and subsequent instalment, should be less or more by eight per cent, or more in comparison with the weight of fine gold whose value, when calculated on the basis of the price of gold and the exchange rate of the yen in London on the date of the coming into force of the present Agreement, is equal to the said instalment the amount of the instalment shall be increased or reduced, as the case may be, so that the value in fine gold of the instalment shall be the same as it is on the date of the coming into force of the present Agreement.

ARTICLE 9.

The settlement for the sum of ninety-three million three hundred thousand (93,300,000) yen, to be effected in the form of payments made by the Government of Manchoukuo for the goods delivered to the Government of the Union of Soviet Socialist Republics as provided for in Article 7 of the present Agreement, shall be executed in the following manner.

1. The Trade Representation of the Union of Soviet Socialist Republics in Japan will make contracts for the purchase of goods.

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produced or manufactured in Manchoukuo or Japan, with the subjects or juridical persons of either of these two countries, up to the sum of ninety-three million three hundred thousand (93,300,000) yen indicated in Article 7 within the period of six months from the date of the coming into force of the present Agreement. The delivery of the goods thus purchased shall be effected to the Trade Representation in Japan by the above-mentioned subjects or juridical persons within the period of three years from the date of the coming into force of the present Agreement in accordance with the terms of the contracts concerned, it being understood that the goods so delivered in the course of each of the six equal periods of six months constituting the said three years shall not exceed in value the sum of thirty-one million one hundred thousand (31,100,000) yen and that the total amount of the goods delivered in the course of each of the three equal periods of one year constituting the said three years shall not exceed in value the sum of thirty-one million one hundred thousand (31,100,000) yen.

2. The terms of payment for the goods shall be arranged in such a way that for each such period of six months in the course of the said three years the Government of Manchoukuo shall make payment not exceeding the sum of fifteen million five hundred and fifty thousand (15,550,000) yen for the delivery of the goods mentioned in the foregoing Section and in case any balance of that sum shall for any reason remain unpaid at the end of any such period of six months, such balance shall be

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paid off during the next six months and so on, so that the whole sum of ninety-three million three hundred thousand (93,300,000) yen shall be paid off by the end of the said three years.

3. It is agreed that should the above-mentioned contracts not be concluded within the period of six months after the coming into force of the present Agreement, the Trade Representation shall have the right to make such contracts after the expiration of the said period of six months, and further that, should any of the parties other than the Trade Representation to the contracts concluded in accordance with the foregoing provisions of the present Article fail to carry out such contracts or to fulfil such contracts, when same are abrogated for these reasons, the Trade Representation shall in each case have the right to conclude fresh contracts with other subjects or juridical persons of Manchoukuo or Japan, in which case the latter contracts may provide for the payment for and the delivery of the goods to be effected after the three years' term above mentioned.

4. The contracts mentioned in the present Article shall be concluded either c.i.f. or f.o.b. at the choice of the Trade Representation and shall provide for payments in cash for goods by the Government of Manchcukuo.

5. When the Trade Representation have concluded a contract for the purchase of goods with the subjects or juridical persons of Manchoukuo or Japan, the Trade Representation shall give the Financial Attache to the Legation of Manchoukuo in Japan a resume of the contract, mentioning the names of the parties to the contract, the description, place of origin and quantity of the goods, the total amount of the sums to be paid, the date and place

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of delivery of the goods and of the payment therefor, as well as any other terms of the payment and delivery, including any provisions for payment in advance. The said resume shall be attested by both parties to the contract. Besides this, so far as circumstances permit, certificates of origin issued by any chamber of commerce and industry in Manchoukuo or Japan in respect of the goods, or by any other organization authorized to issue such certificates by the Government of either of these two countries, shall be presented to the Financial Attache by the seller of the goods.

The Financial Attache, upon receipt of the resume of the contract, provided its contents do not conflict with the provisions of the present Article, shall notify, not later than within seven days thereafter, the Trade Representation and the seller of the goods concerned to the effect that the Government of Manchoukuo undertake to effect payment for the goods in conformity with the said resume of the contract.

For the purpose of obtaining a settlement of his accounts the seller of the goods shall hand to the Trade Representation the document entitling the Trade Representation to dispose of the said goods (bill of lading, invoice etc.)

The Financial Attache, upon receipt of the notification given by the Trade Representation to the effect that the delivery of the goods referred to in the resume of the contract has been accomplished, shall issue a cheque to order drawn with the Industrial Bank of Japan, Ltd. as payer, the seller of the goods. as payee and the price of the goods as its face amount, and shall deliver it to the seller on the date of payment, and,

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in case the presentation of the certificates of origin of the goods above referred to shall have been prevented at the time of presentation of the resume of the contract, against such certificates. The seller of the goods shall give a receipt for the said cheque. Payment in advance to the seller of the goods may be effected in a similar manner by the Financial Attache in conformity with the resume of the contract against the advice of the Trade Representation to the effect that such payment shall be made.

6. It is understood that in the present Article the term "goods manufactured in Manchoukuo or Japan" indicates goods manufactured within either of the said two countries from raw materials imported from any other countries as well as from raw materials produced in either and that the term "juridical persons of Manchoukuo or Japan" indicates the juridical persons which are or may be incorporated in accordance with the law of Manchoukuo or Japan respectively.

ARTICLE 10.

1. Three months' notice shall be given to each of the employees of the North Manchuria Railway (Chinese Eastern Railway), other than those included in the provisions of Article 3 of the present Agreement, who are citizens of the Union of Soviet Socialist Republics and whom the Government of Manchoukuo may desire to dismiss from reasons of convenience on the part of the Government of Manchoukuo after the coming into force of the present Agreement.

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2. Employees of the North Manchuria Railway (Chinese Eastern Railway) who are citizens of the Union of Soviet Socialist Republics and who may be dismissed shall have the right to remain in Manchoukuo for two months after their dismissal in order to dispose of their personal affairs.

3. Employees of the North Manchuria Railway (Chinese Eastern Railway) who are citizens of the Union of Soviet Socialist Republics shall continue in the full enjoyment of their rights in movable and immovable property in accordance with the laws of Manchoukuo.

4. Employees of the North Manchuria Railway (Chinese Eastern Railway) who are citizens of the Union of Soviet Socialist Republics shall enjoy the full right to dispose of their property in accordance with the laws of Manchoukuo and to carry their property out of Manchoukuo either in its original form or in its money equivalent in any foreign currency.

5. Employees of the North Manchuria Railway (Chinese Eastern Railway), who are citizens of the Union of Soviet Socialist Republics and who have retired through dismissal or of their own accord and who leave for the territory of the Union of Soviet Socialist Republics within two months after their retirement, shall be granted the privilege of free transport over the North Manchuria Railway (Chinese Eastern Railway) for themselves, their families, and their personal and household effects either to the station of Manchuli or to the station of Suifenho, at their own option.

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ARTICLE 11.

1. The various descriptions of retiring allowances and payments --(discharge allowances and other sums due to employees in respects of service on the Railway, employees' savings in the Relief Savings Association and the payments additional thereto on the part of the Railway including interest, pensions and block grants in accordance with the regulations of the Relief Savings Association, as well as pensions and compensations for personal injuries according to the "Regulations of 1912 relating to the indemnification of persons who have met with accidents")- to employees of the North Manchuria Railway (Chinese Eastern Railway) who are citizens of the Union of Soviet Socialist Republics and who may be dismissed or may retire of their own accord after the coming into force of the present Agreement, so far as such allowances and payments are in respect of the period before the coming into force of the present Agreement, shall be individually reckoned and paid out in accordance with the regulations of the North Manchuria Railway (Chinese Eastern Railway) in force up to the date of the coming into force of the present Agreement, as modified by the provisions of the present Article.

Note. Discharge allowances for the period up to November 11th, 1930, are to be paid according to the rates existing up to November 11th, 1930.

2. Employees who are citizens of the Union of Soviet Socialist Republics and who are dismissed or retire of their own accord after the coming into force of the present Agreement

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shall be considered as employees who have been dismissed as the result of the abolition of offices, so far as concerns the calculation of various descriptions of retiring allowances and payments.

3. Discharge allowances and other payments relative to service concerning the railway, and compensations for injuries sustained in such service, as well as savings and the prescribed interest thereon, shall be paid within a fortnight from the day of dismissal or retirement, provided that in respect of persons who shall be dismissed, half the amount of such savings shall be paid within two months from the date of the notice of such dismissal.

The block grants to persons who have been in the service of the Railway for less than ten years as well as payments additional to savings together with the prescribed interest thereon shall be paid in four equal intalments within two years from the date of dismissal or retirement. The first instalment shall be paid within a fortnight, and the second instalment at the end of a year after the date of dismissal or retirement, and the third and the fourth instalments shall be paid at the end respectively of six and twelve months after the payment of the second instalment. As regards the last three of these instalments, the Government of Manchoukuo shall issue bonds for the amounts due drawn up in the name of the respective persons and maturing on the dates prescribed above. These bonds shall be delivered to

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the respective recipients simultaneously with the payment of the first instalment above referred to and shall not be transferred thereafter to any other person.

Persons who have been in the service of the Railway for ten years or more shall be deemed entitled to pensions without undergoing the examination of their working efficiency, and the said pensions, instead of being paid annually, shall be paid in a block grant, that is to say, a sum eight and a half times the sum payable annually in respect of a pension shall be paid to the recipient in four equal instalments in the course of two years, in accordance with the provisions of the preceding paragraph.

Note. 1. The examination of the working efficiency of employees who have been in the service of the Railway for less than ten years will be effected according to the regulations of the North Manchuria Railway (Chinese Eastern Railway) in force up to the date of the coming into force of the present Agreement.

Note 2. Pensions for personal injuries, instead of being paid annually, shall be paid in block grants, that is to say, a sum eight and a half times the sum payable annually shall be paid to the recipients in the same manner as for persons who have been in the service of the Railway for ten years or more.

4. Employees of the North Manchuria Railway (Chinese Eastern Railway) who are in debt to the Railway shall have

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the sum of their indebtedness deducted from the various descriptions of retiring allowances and other payments due to them.

5. The various descriptions of retiring allowances and payments shall be paid in the currency of Manchoukuo at the exchange rate against the rouble of the North Manchuria Railway (Chinese Eastern Railway) existing at the date of the coming into force of the present Agreement and applied by the said Railway for settlements with their employees. The recipients of these retiring allowances and payments shall be allowed to remit the money they have received to other countries after having converted it into foreign currency.

6. The various descriptions of retiring allowances and payments and the bonds of the Government of Manchoukuo shall be paid or delivered to the legal recipients direct, but persons who have returned to the territory of the Union of Soviet Socialist Republics can empower the Consul General of the Union of Soviet Socialist Republics in Harbin or any other person to receive them. Persons who have given such authority shall at the same time inform the North Manchuria Railway (Chinese Eastern Railway) to that effect.

7. Those persons who have retired before the coming into force of the present Agreement and are now being paid pensions shall continue to receive the pensions as previously in accordance with the regulations of the North Manchuria Railway (Chinese Eastern Railway) in force up to the date of the coming into force of the present Agreement, irrespective of whether the said regulations shall remain in force, be mofified or abrogated thereafter.

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In this case Section 5 of the present Article shall be applied as regards the exchange rate against the rouble of the North Manchuria Railway (Chinese Eastern Railway), and, in case the legal recipients should be returning or should have returned to the territory of the Union of Soviet Socialist Republics, as regards remittances to other countries.

8. The sums which are to be paid out by the Administration or the Relief Savings Association of the North Manchuria Railway (Chinese Eastern Railway) to employees who are citizens of the Union of Soviet Socialist Republics and of which neither the legal recipients nor their proxies or successors have demanded payment up to the date of the coming into force of the present Agreement, shall be disposed of in accordance with the regulations of the North Manchuria Railway (Chinese Eastern Railway) in force up to the date of the coming into force of the present Agreement.

9. Employees who have been dismissed or have retired after the coming into force of the present Agreement shall, during a period of one month from the date of their dismissal or retirement, retain their full rights with regard to their railway lodgings under the same conditions as before.

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ARTICLE 12.

It is understood that the term "North Manchuria Railway (Chinese Eastern Railway)" includes all the rights, enterprises and properties appurtenant thereto.

ARTICLE 13.

The Governments of Manchoukuo and the Union of Soviet Socialist Republics, with a view to promote and facilitate the intercourse and traffic between the two countries, shall conclude, within three months from the date of the coming into force of the present Agreement, a separate agreement which will provide for the settlement of questions concerning the conveyance of passengers, luggage and goods in transit, direct service for passengers, luggage and goods between railway stations of the Union of Soviet Socialist Republics and those of the North Manchuria Railway (Chinese Eastern Railway), and also, technical conditions permitting, direct services without reloading of goods between the Ussuri Railway and the North Manchuria Railway (Chinese Eastern Railway) via the station of Suifenho.

Within the period of the said three months, the two Governments shall conclude another separate agreement which will provide for telegraphic connection between the telegraphic lines hitherto operated by the North Manchuria Railway (Chinese Eastern Railway) and those of the Union of Soviet Socialist Republics.

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ARTICLE 14.

The present agreement shall come into force on the date of its signature.

In witness whereof the respective Plenipotentiaries have signed the present Agreement and have affixed thereto their seals.

Done in duplicate in the English language in the City of Tokyo, this twenty-third day of the third month of the second year of Kangte, corresponding to the 23rd day of March, 1935.

(L.S.) W.S.Y. TINGE.

(L.S.) CHUICHI OHASHI.

(L.S.) WU TSE-SHENG.

(L.S.) C. C. YOURENEFF.

(L.S.) B. I. KOZLOVSKY.

(L.S.) KUZNETSOFF.

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C E R T I F I C A T E

Statement of Source and Authenticity

I, HAYASHI, Kaoru, Chief of Archives Section, Japanese Foreign Office, hereby certify that the document in English hereto attached, consisting of 23 pages and entitled "Agreement between Manchoukuo and the Union of Soviet Socialist Republics for the Cession to Manchoukuo of the Rights of the Union of Soviet Socialist Republics concerning the North Manchuria Railway(Chinese Eastern Railway)
is an exact and true copy of an official document of the Japanese Foreign Office.

Signed at Tokyo on this
17th day of Sepember, 1946

(Signed) K. Hayashi
Signature of Official

Witness: (Signed) Nagaharu Odo

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Ref

北滿鐵道（東支鐵道）ニ關スル「ソヴイエト」社會主義共和國聯邦ノ權利ヲ滿洲國ニ讓渡スル爲ノ滿洲國「ソヴイエト」社會主義共和國聯邦間協定

昭和一〇年（一九三五年）三月一三日東京ニ於テ署名
昭和一〇年（一九三五年）三月一三日實施
昭和一〇年（一九三五年）三月一五日告示

滿洲國及「ソヴイエト」社會主義共和國聯邦ハ北滿鐵道（東支鐵道）問題ヲ解決シ以テ極東ニ於ケル平和ノ擁護ニ貢獻センコトヲ希望シ北滿鐵道（東支鐵道）ニ關スル「ソヴイエト」社會主義共和國聯邦ノ權利ヲ滿洲國ニ讓渡スル爲ノ協定ヲ締結スルコトニ決シ之カ爲左ノ如ク其ノ全權委員ヲ任命セリ

滿洲國政府

日本國駐劄特命全權公使丁士源

外交部次長大橋忠一

北滿鐵道（東支鐵道）督辦公署參賛鳥澤肇

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「ソヴイエト」社會主義共和國聯邦政府

「ソヴイエト」社會主義共和國聯邦中央執行委員會委員及日本國駐箚「ソヴイエト」社會主義共和國聯邦全權代表「コンスタンチン、コンスタンチノヴイツチユ、ユーレネフ」

外務人民委員部局長「ベネヂクト、イグナチエヴイツチユ、カズロフスキー」

北滿鐵道（東支鐵道）副理事長「ステパン、マトヴエイエヴイツチユ、クズネツツオフ」

右各全權委員ハ互ニ其ノ全權委任狀ヲ示シ之カ良好妥當ナルヲ認メタル後左ノ諸條ヲ協定セリ

第一條

「ソヴイエト」社會主義共和國聯邦政府ハ同政府カ北滿鐵道（東支鐵道）ニ關シテ有スル一切ノ權利ヲ滿洲國政府ニ讓渡スベク滿洲國政府ハ右ニ對スル代償トシテ日本國通貨一億四千萬（一四〇、〇〇〇、〇〇〇）圓ノ額ヲ「ソヴイエト」社會主義共和國聯邦政府ニ支拂フベシ

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第二條

北滿鐵道（東支鐵道）ニ關スル「ソヴイエト」社會主義共和國聯邦政府ノ一切ノ權利ハ本協定實施ト同時ニ滿洲國政府ニ移轉スベク且之ト同時ニ北滿鐵道（東支鐵道）ハ滿洲國政府ノ完全ナル占有及單獨ノ管理ノ下ニ置カルベキモノトス

第三條

一　本協定實施ト同時ニ「ソヴイエト」社會主義共和國聯邦人民タル北滿鐵道（東支鐵道）管理機關ノ高級職員ハ其ノ職ヲ辭カルベシ右鐵道管理機關ノ右高級職員ハ其ノ管掌セル記錄、帳簿、文書及書類ヲ種類ノ如何ヲ問ハズ纏テ右鐵道ノ新管理機關ニ於ケル夫々ノ後任者ニ引渡スベシ

本條ニ使用セラルル「北滿鐵道（東支鐵道）管理機關ノ高級職員ナル語ハ左ノ者ヲ表示スルモノトス

(甲)　各理事及監事

(乙)　管理局長及副管理局長

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(丙) 審核局副局長

(丁) 理事會、監事會、審核局及管理局ノ各處長及副處長各特務委員及特務工程師各科及各分科ノ高等委員、顧問、科長及分科長

二 右鐵道ノ平常ノ機能ヲ確保スル目的ヲ以テ「ソヴイエト」社會主義共和國聯邦政府ハ「ソヴイエト」社會主義共和國聯邦人民タル右鐵道管理機關ノ高級職員中ヨリ左ノ者ヲ本協定實施ノ日ヨリ一月間顧問トシテ新管理機關ノ用ニ供スルコトニ同意ス

(甲) 管理局長

(乙) 管理局總務處長

(丙) 管理局機務處長

(丁) 管理局財務處長

(戊) 管理局商務處長

三 本協定實施後ニ於テハ何時ニテモ滿洲國政府ハ左ノ者ノ何レカ又ハ全部ヲ解雇スルコトヲ得

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(甲) 鐵道管區、停車場及機關庫ノ各主任

(乙) 右鐵道ノ左記各附帶事業ノ主任

イ 林區及伐出作業

ロ 炭坑

ハ 發電所

ニ 印刷所

ホ 商務處附帶事業

ヘ 在哈爾濱哥薩克及滿宇

ト 縫工廠

チ 洗毛工場及水壓梱包工場

リ 哈爾賓水道

ヌ 清涼飲料製造工場

ル 製材所

ヲ 大豆混合保管業

ワ 屑物淨化工場

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カ 「グランドホテル」

ヨ 休養所及療養所

タ 病院及診療所

レ 圖書館

ソ 經濟調査局

四 本條一ニ掲ゲラルル者ハ本協定實施後一月間滿洲國ニ留リ且其ノ鐵道宿舍ヲ保持スルノ權利ヲ有スベシ

本條二ニ掲ゲラルル者ハ本協定實施後二月間滿洲國ニ留リ且其ノ鐵道宿舍ヲ保持スルノ權利ヲ有スベシ

本條三ニ依リ解雇セラレタル者ハ解雇ノ日ヨリ一月間正規ノ俸給ヲ受クルノ權利ヲ有スベシ右ノ者ハ解雇ノ日ヨリ二月間滿洲國ニ留リ且其ノ鐵道宿舍ヲ保持スルノ權利ヲ有スベシ

第四條

滿洲國政府ハ千九百三十四年三月二十二日「ソヴイエト」社會主義共和國聯邦政府ノ代表部ガ日本國外務大臣ヲ通ジテ滿洲國政府ノ代

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表部ニ提出シタル北滿鐵道（東支鐵道）ノ千九百二十三年十二月三十一日現在ノ資產及負債表ニ基キ右鐵道ノ資產及負債ヲ繼承スベシ尤モ右表ハ之ニ掲ゲラレタル資產及負債ガ同表ノ日附ヨリ最後ノ表ノ日附ニ至ル迄ニ受ケタル變化ヲ示ス爲且千九百三十四年一月一日ノ後發生シタル新ナル資產及負債ヲ示ス爲千九百三十五年三月十七日及三月二十一日作成セラレタル表ニ依リ補足セラレタルモノトス

千九百二十四年五月三十一日北京ニ於テ署名セラレタル「ソヴイエト」社會主義共和國聯邦及支那共和國間諸問題ノ解決ノ爲ノ大綱ニ關スル協定第九條(四)ノ規定及千九百二十四年九月二十日奉天ニ於テ署名セラレタル「ソヴイエト」社會主義共和國聯邦政府及支那共和國東三省自治政府間ノ協定第一條(三)ノ規定ハ引續キ有效ナルモノトス

第五條

「ソヴイエト」社會主義共和國聯邦政府ハ在哈爾賓同聯邦總領事館

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用トシテ左ノ財産ヲ永久且無償ノ貸付ニ依リ維持スルノ權利ヲ有スベシ

イ 現在右總領事館ニ依リ占有セラレ居ル土地及建物

所在地　桑家崗擺景街

面　積　一四、八七三、六八平方メートル

建　物　事務所第千四十九號　二、一七四・九〇平方メートル官舍第千四十七號　六八五・三七平方メートル

官舍第千四十八號　一、四四七・六一平方メートル

自動車車庫及附屬家屋第千五十一號　二四五・八八平方メートル

守衛詰所第千五十二號　三八・九〇平方メートル

ロ 現在右總領事館ノ職員ニ依リ占有セラレ居ル土地及建物

所在地　桑家崗海城街

面　積　二、五三〇平方メートル

建　物　第九百三十四號　二五八・五一平方メートル

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左ノ財産ハ本協定實施ノ日ニ於テ在哈爾賓「ソヴイエト」社會主義共和國聯邦總領事ニ對シ無償且無期限ニテ貸付ラルベク左ニ定ムル目的ニノミ使用セラルル爲直ニ在哈爾賓「ソヴイエト」社會主義共和國聯邦居留民團ノ占有及管理ノ下ニ置カルベシ

イ　右居留民團ノ初等及中等敎育ノ爲ニ使用セラルベキ哈爾賓道裡商務街第三十五號ニ在ル北滿敎道（東支鐵道）第四學校竝同所在ノ建物及財産

ロ　第九百四十九號ノ番號ニテ知ラレ居ル土地（哈爾賓道裡高士衙門ト警察街トノ角）及右土地ニ在ル一切ノ建物ニシテ將來病院トシテ使用セラルベキモノ

本協定實施ノ日ヨリ一月以內ニ在哈爾賓北滿鐵道（東支鐵道）當局ノ職員中ヨリ滿洲國ノ地方官憲ト在哈爾賓「ソヴイエト」社會主義共和國聯邦總領事トノ合意ニ依リ前記第四學校用トシテ當該ヨリ選定スベク斯ク選定セラレタル當該ハ右學校ニ隣接セラルベキモノトス

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第六條

北滿鐵道（東支鐵道）ニ依リ占有セラルル財産ニシテ「ソヴイエト」社會主義共和國聯邦政府ニ屬シ且右鐵道ニ屬セズト主張セラルルモノ及「ソヴイエト」社會主義共和國聯邦ノ領域内ニ在ル財産ニシテ滿洲國政府ニ依リ北滿鐵道（東支鐵道）ニ屬スト主張セラルルモノハ夫々ノ政府ニ依リ互ニ他方ノ政府ノ爲ニ拋棄セラレタルモノト看做サレ將來何レノ政府モ右財産ニ關シ他方ノ政府ニ對シテ何等ノ要求ヲ提起セザルベシ

右規定ハ現在滿洲里ニ在ル「トランスバイカル」鐵道ノ財産（建物及其ノ敷地竝ニ他ノ鐵道財産）及現在綏芬河ニ在ル「ウスリー」鐵道ノ財産ニシテ現ニ夫々右兩鐵道ニ依リ占有セラレ且右鐵道ノ管轄下ニ於テ其ノ財産トシテ認ルベキモノニハ適用セラレザルベシ

第七條

本協定第一條ニ掲ケラルル日本國通貨一億四千萬（一四〇、〇〇〇、〇〇〇）圓ノ額ノ中四千六百七十萬（四六、七〇〇、〇〇〇）圓ノ

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額ハ本協定第八條ノ規定ニ從ヒ現金ニテ支拂ハルベク殘額九千三百三十萬（九三、三〇〇、〇〇〇）圓ノ決濟ハ本協定第九條ノ規定ニ從ヒ「ソヴイエト」社會主義共和國聯邦政府ニ引渡サルル物品ニ對スル滿洲國政府ノ支拂ヲ以テ行ハルベシ

第八條

本協定第七條ノ規定ニ從ヒ現金ニテ支拂ハルベキ四千六百七十萬（四六、七〇〇、〇〇〇）圓ノ額ノ中二千三百三十萬（二三、三〇〇、〇〇〇）圓ノ額ハ本協定ノ署名ト同時ニ支拂ハルベシ

殘額二千三百四十萬（二三、四〇〇、〇〇〇）圓及年三分ノ單利ハ滿洲國政府ノ國庫證書ヲ以テ滿洲國政府ヨリ「ソヴイエト」社會主義共和國聯邦政府ニ支拂ハルベシ右國庫證書ハ後記ノ額ニテ後記ノ日ヲ支拂期日トシテ發行セラルベシ卽チ千九百三十五年十二月二十三日ヲ支拂期日トスル六百三十七萬六千五百（六、三七六、五〇〇）圓、千九百三十六年九月二十三日ヲ支拂期日トスル六百二十四萬四千八百七十五（六、二四四、八七五）圓、千九百三十七年六月二十三

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日ヲ支拂期日トスル六百十一萬三千二百五十（六、一一三、二五〇）圓、千九百三十八年三月二十三日ヲ支拂期日トスル五百九十八萬千六百二十五（五、九八一、六二五）圓前記ノ清洲國政府ノ爲ニ發行セラレ且本協ハ「ソヴイエト」社會主義共和國聯邦政府ノ爲ニ發行セラレ且本協定ノ署名ト同時ニ清洲國政府ノ代表者ヨリ「ソヴイエト」社會主義共和國聯邦政府ノ代表者ニ交付セラルヘク株式會社日本興業銀行ニ於テ支拂ハルベシ

本條ニ規定セラルル第二回及其ノ後ノ各割賦金ノ支拂期日ノ前日ノ「ロンドン」ニ於ケル團及瑞西「フラン」ノ各爲替相場ニ基キ算出セラルル瑞西「フラン」ニテ示サルル團ノ爲替相場ガ本協定實施ノ日ノ「ロンドン」ニ於ケル團及瑞西「フラン」ノ各爲替相場ニ基キ算出セラルル瑞西「フラン」ニテ示サルル團ノ爲替相場ニ比較シテ八分以上低キカ又ハ高キトキハ前記割賦金ノ額ハ瑞西「フラン」ニテ示サルル割賦金ノ價値ヲ本協定實施ノ日ニ於ケルモノト同一ナラシムルガ如ク場合ニ應ジテ增加又ハ減少セラルベシ

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瑞西「フラン」ノ現在ノ金平価（瑞西「フラン」ハ純金一グラムノ三十一分ノ九ニ相當ス）ガ變更セラレ又ハ瑞西「フラン」ノ金兌換ガ停止セラルルトキハ前項ニ規定セラルル方法ニ代リ左ノ方法ガ採用セラルベシ

本條ニ規定セラルル第二回及其ノ後ノ割賦金ノ支拂期日ノ前日ノ「ロンドン」ニ於ケル金ノ價格及圓ノ爲替相場ニ基キ算出シテ當該割賦金ノ額ニ等シキ價値ヲ有スル純金ノ量ガ協定實施ノ日ノ「ロンドン」ニ於ケル金ノ價格及圓ノ爲替相場ニ基キ算出シテ右割賦金ニ等シテ價値ヲ有スル純金ノ量ニ比ベシテ八分以上少キカ又ハ多キトキハ右割賦金ノ額ハ純金ニテ示サルル割賦金ノ價値ヲ本協定實施ノ日ニ於ケルモノト同一ナラシムルガ如ク場合ニ應ジテ增加又ハ減少セラルヘシ

第九條

本協定第七條ニ規定セラルル通「ソヴイエト」社會主義共和國聯邦政府ニ引渡サルル物品ニ對スル滿洲國政府ノ支拂ヲ以テ行ハルベキ

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九千三百三十萬（九三、三〇〇、〇〇〇）圓ノ額ノ決濟ハ左ノ方法ニ依リ行ハルベシ

一、在日本國「ソヴイエト」社會主義共和國聯邦通商代表部ハ本協定實施ノ日ヨリ六月ノ期間内ニ第七條ニ掲ゲラルル九千三百三十萬（九三、三〇〇、〇〇〇）圓ノ額ニ達スル迄滿洲國又ハ日本國ニ於テ生產又ハ製造セラレタル物品ノ輸入ニ關スル契約ヲ右兩國ノ何レカノ臣民又ハ法人ト締結スベシ斯ク輸入セラレタル物品ハ當該契約ノ條件ニ從ヒ本協定實施ノ日ヨリ三年ノ期間内ニ前記臣民又ハ法人ニ依リ日本國ニ在ル通商代表部ニ引渡サルベシ右三年ヲ構成スル六箇ノ各六月均分期間ニ於テ斯ク引渡サルル物品ハ價格ニ於テ三千百十萬（三一、一〇〇、〇〇〇）圓ヲ超エザルモノトシ且右三年ヲ構成スル三箇ノ各一年均分期間ニ於テ引渡サルル物品ノ總量ハ價格ニ於テ三千百十萬（三一、一〇〇、〇〇〇）圓ヲ超エザルベシ

二、物品ニ對スル支拂條件ハ右三年ニ於ケル各六月均分期間ニ滿洲

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國政府ガ前項ニ掲ゲラルル物品ノ引渡ニ付千五百五十五萬（一五、五五〇、〇〇〇）圓ヲ超エザル支拂ヲ爲スベク又右ノ額ノ中何等カノ理由ニ依リ六月均分期間ノ終ニ於テ支拂ハザリシ差額ヲ存シタル場合ニハ右差額ハ次ノ六月間ニ於テ支拂ハルベク以下之ニ準ジ斯クシテ九千三百三十萬（九三、三〇〇、〇〇〇）圓ノ全額ガ右三年ノ終迄ニ支拂ハルルガ如ク定メラルベシ

三、前記契約ガ本協定實施後六月ノ期間内ニ締結セラレザルトキハ通商代表部ハ右六月ノ期間ノ滿了後右契約ヲ爲スノ權利ヲ有スベク尚本條ノ前記規定ニ從ヒ締結セラレタル契約ノ通商代表部以外ノ當事者ノ何レカガ契約ヲ履行セズ又ハ正當ニ契約ヲ履行セズ之ガ爲該契約ガ廢棄セラルルトキハ通商代表部ハ各場合ニ於テ滿洲國又ハ日本國ノ他ノ臣民又ハ法人ト新ナル契約ヲ締結スル權利ヲ有スベク此ノ場合ニ於テハ右契約ハ前記ノ三年ノ期間後ニ行ハルベキ物品ニ對スル支拂及其ノ引渡ニ關シ規定シ得ルモノトス

四、本條ニ掲ゲラルル契約ハ通商代表部ノ選擇ニ依リ選賃保險料込

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但格又ハ甲板積込価格ニテ締結セラルベク且物品ニ對スル滿洲國政府ノ支拂ニ關シ規定スベシ

五、通商代表部ガ物品購入ニ關スル契約ヲ滿洲國又ハ日本國ノ臣民又ハ法人ト締結シタルトキハ通商代表部ハ在日本國滿洲國公使館附財務官ニ契約當事者名、物品ノ種類、原産地及數量、支拂總額物品ノ引渡及物品ニ對スル支拂ノ日及場所竝ニ前記ニ關スル規定ヲ含ム支拂及引渡ノ他ノ一切ノ條件ヲ記載シタル契約要綱書ヲ交付スベシ右要綱書ハ契約ノ兩當事者ニ依リ認證セラルベシ尚物品ノ賣主ハ事情ノ許ス限リ物品ニ關シ滿洲國又ハ日本國ニ在ル商工會議所又ハ右兩國ノ何レカ一方ノ政府ガ原産地證明書ヲ發給スルノ權限ヲ付與シタル他ノ機關ニ依リ發給セラレタル原産地證明書ヲ財務官ニ提出スベシ

財務官ハ契約ノ要綱書ヲ受領シタルトキハ其ノ内容ガ本條ニ抵觸セザル限リ右受領後遲クトモ七日以内ニ通商代表部及當該物品賣主ニ對シ滿洲國政府ガ契約ノ右要綱書ニ從ヒ右物品ニ對スル支拂ヲ爲スベキコトヲ通知スベシ

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賣主ハ其ノ勘定ノ決濟ヲ得ル爲通商代表部ニ對シ右代表部ヲシテ當該物品ノ處分ヲ爲スコトヲ得シムル書類（船荷證券、換狀等）ヲ引渡スベシ

財務官ハ通商代表部ヨリ契約ノ要綱書ニ掲ゲラレタル物品ノ引渡ガ完了セル旨ノ通知ヲ受領シタルトキハ株式會社日本興業銀行ヲ支拂人トシ賣主ヲ受取人トシ且物品ノ代金ヲ額面トスル記名式小切手ヲ發行シ支拂期日ニ前記物品ノ原産地證明書ノ提出ガ契約ノ要綱書提出ノ時ニ行ハレザリシトキハ右證明書ト引換ニテ之ヲ賣主ニ交付スベシ物品ノ賣主ハ小切手ニ對シ受領證ヲ交付スベシ

物品ノ賣主ニ對スル前拂ハ右前拂ヲ爲スベキ旨ノ通商代表部ノ通知アル場合契約ノ要綱書ニ從ヒ財務官ニ依リ同樣ノ方法ニテ行ハルベシ

六　本條ニ於テ「滿洲國又ハ日本國ニ於テ製造セラレタル物品」ナル語ハ他國ヨリ輸入セラレタル原料及右兩國ノ何レカニ於テ生產セラレタル原料ヲ以テ右兩國ノ何レカニ於テ製造セラレタル物品

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ヲ表示シ又「滿洲國又ハ日本國ノ法人」ナル語ハ夫々滿洲國又ハ日本國ノ法令ニ從ヒ設立セラレタル又ハ設立セラルベキ法人ヲ表示スルモノトス

第十條

一　本協定第三條ノ規定ニ包含セラルル者ヲ除クノ外滿洲國政府ガ本協定ノ實施後滿洲國政府側ノ都合ニ依リ解雇セントスル「ソヴイエト」社會主義共和國聯邦人民タル北滿鐵道（東支鐵道）ノ各從業員ハ三月ノ豫告ヲ與ヘラルベシ

二　解雇セラルベキ「ソヴイエト」社會主義共和國聯邦人民タル北滿鐵道（東支鐵道）從業員ハ解雇後二月間家事整理ノ爲滿洲國ニ留ルノ權利ヲ有スヘシ

三　「ソヴイエト」社會主義共和國聯邦人民タル北滿鐵道（東支鐵道）從業員ハ滿洲國ノ法令ニ從ヒ其ノ有スル動產及不動產上ノ權利ヲ引續キ完全ニ享有スベシ

四　「ソヴイエト」社會主義共和國聯邦人民タル北滿鐵道（東支鐵道）從業員ハ其ノ財產ヲ滿洲國ノ法令ニ從ヒ處分スルノ完全ナル

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權利及其ノ財産ヲ同形ノ儘又ハ何レカノ外國通貨ニテ其ノ相當額ヲ滿洲國外ニ搬出スルノ完全ナル權利ヲ享有スベシ

五　假ニセラレ又ハ任意ニ退職シタル「ソヴイエト」社會主義共和國聯邦人民タル北滿鐵道（東支鐵道）從業員ニシテ退職後二月以內ニ同聯邦ノ領域ヘ引揚グルモノハ其ノ選擇ニ依リ滿洲里停車場又ハ綏芬河停車場迄本人、家族及其ノ自用品及家財ニ付北滿鐵道（東支鐵道）ニ依ル無賃輸送ノ特權ヲ許與セラルベシ

第十一條

一　本協定實施後假ニセラレ又ハ任意ニ退職スル「ソヴイエト」社會主義共和國聯邦人民タル北滿鐵道（東支鐵道）從業員ニ對スル各種ノ退職手當及支拂金（假扣手當其ノ他鐵道勤務ニ付テ從業員ニ支拂ハルベキ金額、共濟貯蓄規程ニ依ル共濟貯蓄會ノ從業員貯金及之ニ對スル鐵道側ノ附加金（利子ヲ含ム）、年金及一時金竝ニ「千九百十二年被傷害者補償規程」ニ依ル傷害ニ對スル年金及補償）ハ右退職手當及支拂金ガ本協定實施前ノ期間ニ關スルモノナル限リ本協定實施ノ日迄施行セラレタル北滿鐵道、

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（京支（道）ノ規則ニシテ本條ノ規定ニ依リ更ヒラレタルモノニ從ヒ個々ノ計算ヒラレ且支拂ハルベシ

備考　千九百三十年十一月十一日迄ノ期間ノ退職手當ハ千九百三十年十一月十一日迄存在ヒル卒ニ依リテ支給ヒラルベシ

二　本協定實施後解雇ヒラレ又ハ任ニ退職スル「ソヴイエト」社會主義共和國聯邦人民タル從業員ハ各箇ノ退職手當及支拂金ノ計算ニ關スル限リ原職ノ結果解雇ヒラレタルモノト看做サルベシ

三　解雇手當其ノ他ノ公道勿務關係ノ支拂金及右勤務中受ケタル傷害ニ對スル補償竝ニ貯金及其ノ所定ノ利子ハ解雇又ハ退職ノ日ヨリ二週間以內ニ支拂ハルベシ但シ解雇ヒラルル者ニ付テハ貯金ノ半額ハ解雇豫告ノ日ヨリ二月以內ニ支拂ハルベシ

公道勿務十年未滿ノ者ニ對スル一時金竝ニ貯金ニ對スル附加金及其ノ所定ノ利子ハ解雇又ハ退職ノ日ヨリ二年以內ニ四箇ノ均一割賦金ヲ以テ支拂ハルベシ解雇又ハ退職ノ日ノ後第一回ノ割賦

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金ハ二週間以内ニ又第二回ノ割賦金ハ一年ノ終ニ於テ支拂ハルベク第三回及第四回ノ割賦金ハ第二回ノ割賦金ノ支拂後夫々六月及十二月ノ終ニ於テ支拂ハルベシ右割賦金中後ノ三回ノ割賦金ニ付テハ満洲國政府ハ各人名義ニテ作成セラレ右所定ノ日ヲ支拂期日トスル當該領ノ證書ヲ發行スベシ右證書ハ前記第一回割賦金ノ支拂ト同時ニ各受取人ニ交付セラルベク同證書ハ爾後他ノ何人ニモ讓渡セラレザルベキモノトス

鉱道勤務十年以上ノ者ハ勞働能力ノ檢査ヲ受クルコトナクシテ年金受領ノ資格アルモノト看做サルベシ右年金ハ之ヲ毎年支拂フ代リニ一時金ニテ支拂フベク即チ年金トシテ毎年支拂フ額ノ八倍半ノ額ヲ前項ノ規定ニ從ヒ二年間ニ四箇ノ均一割賦金ヲ以テ受取人ニ支拂フベキモノトス

備考一　鉱道勤務十年未滿ノ從業員ノ勞働能力ノ檢査ハ本協定實施ノ日迄施行セラレタル北滿鉱道（東支鉱道）ノ規則ニ從ヒ行ハルベシ

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備考二　傷害ニ對スル年金ハ之ヲ毎年支拂フ代リニ一時金ヲ以テ
支拂フベク即チ(A)道勤務十年以上ノ者ニ對スルト同樣ノ方法ヲ以
テ毎年支拂フ額ノ八倍半ノ額ヲ受取人ニ支拂フベキモノトス

四　北方(B)道（東支(C)道）從業員ニシテ(B)道ニ對シ債務ヲ有スルモノ
ハ其ノ受クベキ各種ノ退職手當其ノ他ノ支拂金ヨリ其ノ債務額ヲ控
除セラルベシ

五　各種ノ退職手當及支拂金ハ本協定實施ノ日ニ存シ且北滿(D)道（東
支(C)道）ニ依リ其ノ他ノ勞員トノ決濟ニ用ヒラルル右(D)道ノ「ルーブ
ル」ニ對スル爲替相場ニ依リ滿洲國ノ通貨ヲ以テ支拂ハルベシ右退
職手當及支拂金ノ受取人ハ其ノ受取リタル金錢ヲ外國ノ通貨ニ換ヘ
テ他國ニ於テ支拂スルコトヲ許容セラルベシ

六　各種ノ退職手當及支拂金竝ニ滿洲國政府ノ證書ハ直接ニ正當ノ受
取人ニ支拂ハレ又ハ交付セラルベシ尤モ「ソヴイエト」社會主義共
和國邦ノ領域ニ住居セル者ハ在哈爾賓「ソヴイエト」社會主義共

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和國邦領事又ハ其ノ他ノ者ニ之ガ受領ヲ委任スルコトヲ得右ノ委任ヲ爲シタル者ハ同時ニ其ノ旨ヲ北樺(太)道(東支(鉄)道)ニ通知スベシ

七　本協定實施前ニ現ニ年金ヲ受ケ居ル者ハ本協定實施ノ日迄施行セラレタル北樺(太)道(東支(鉄)道)ノ規則ニ從ヒ右規則ガ其ノ後引續キ施行セラルルト雖モ更ニセラルルト廢止セラルルトヲ問ハズ引續キ從前ノ通年金ヲ受クベシ此ノ場合北樺(太)道(東支(鉄)道)ノ「ルーブル」ニ對スル爲替相場ニ關シ又正當ノ受取人ガ「ソヴイエト」社會主義共和國聯邦ノ領域ニ居住セントシ又ハ居住シタル場合ニハ外國ヘノ送金ニ關シ本條五ガ適用セラルベシ

八　「ソヴイエト」社會主義共和國聯邦人民タル從業員ニ對シ北樺(太)道(東支(鉄)道)等理局又ハ共濟貯蓄金ヨリ支拂ハルベキ金額ニシテ本協定實施ノ日迄ニ正當ノ受取人、其ノ代理人又ハ相續人ヨリ支拂ノ要求ナキモノハ本協定實施ノ日迄施行セラレタル北樺(太)道(東支(鉄)道)ノ規則ニ依リ處理セラルベシ

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DEF. DOC. #76

九　本協定實施後經営セラレ又ハ爲取シタル從業員ハ其ノ俥屓又ハ
退職ノ日ヨリ一月間從前ト同樣ノ條件ノ下ニ其ノ鐵道宿舍ニ居シ
完全ナル權利ヲ保持スベシ

第十二條

「北滿鐵道（東支鐵道）」ナル語ハ之ニ屬スル一切ノ權利、事業及
財產ヲ包含スルモノトス

第十三條

滿洲國政府及「ソヴイエト」社會主義共和國聯邦政府ハ兩國間ノ交
通及運輸ヲ增進シ且容易ナラシムル目的ヲ以テ本協定實施後三月以
內ニ旅客、手荷物及貨物ノ通過ノ途。「ソヴイエト」社會主義共和
國聯邦ノ鐵道（東支鐵道）停車場ト北滿鐵道停車場ト間ニ於ケル
旅客、手荷物及貨物ニ付テノ直通連絡ノ技術的條件ノ許ス限リ「
ウスリー」鐵道ト北滿鐵道（東支鐵道）トノ間ニ於ケル貨物ノ積換
ナキ爲芬河停車場經由ノ直通ノ途ニ關スル問題ノ俥決ニ付規定スル
別約ヲ締結スベシ

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DEF. DOC. #70

右三月ノ期間内ニ両國政府ハ更ニ從來北樺太道（東支鐵道）ノ運用ヒルヒ信賂ト「ソヴイエト」社會主義共和國聯邦ノ電信路トノ間ニ於ケルヒ信連絡ニ付規定スル別約ヲ締結スベシ

第十四條

本協定ハ署名ノ日ヨリ實施セラルベシ

右證拠トシテ各全權委員ハ本協定ニ署名調印セリ

昭和二年三月二十三日即チ千九百三十五年三月二十三日東京市ニ於テ英吉利語ヲ以テ本書二通ヲ作成ス

丁　土　源（印）

大　橋　忠　一（印）

鳥　潟　隆（印）

シー、シー、ユーレネフ（印）

ビー、アイ、カズロフスキー（印）

クヅネツツオフ（印）

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not used

DEF. DOC. #72

REPLY OF THE MINISTER FOR FOREIGN AFFAIRS TO THE BRITISH AMBASSADOR.

September 21st, 1937.

Monsieur l'Ambassadeur :

With reference to the incident of the wounding of His Britannic Majesty's Ambassador to China, Sir Hughe Knatchbull-Hugessen, concerning which I made an ad interim reply in my Note under the date of September 6th, 1937, I now have the honour to inform Your Excellency that the inquiry in Shanghai and its vicinity having been completed the Japanese Government desire to make the following reply:

2. As the result of most careful investigations it has been established that on August 26th at 2.35 p.m., two Japanese planes machine-gunned and bombed two motor-cars which were believed, in all sincerity, to be military busses or trucks carrying officers or soldiers of the Chinese army at a point three kilometres southeast of Kating, where the Chinese forces were concentrated and since August 18th, not only had Japanese aeroplanes made repeated attacks upon them but a number of aerial combats between the Japanese and Chinese planes had taken place.

3. Owing to the difficulty, in present circumstances, of conducting an investigation on the spot, there has been some slight discrepancy in the various reports received as to the position of the Ambassador's motor-car at the time when he was wounded, but it was ascertained that no Japanese aeroplane had made a machine-gun attack or dropped a bomb in the locality where the Ambassador was first reported to have been wounded.

However, careful study made simultaneously by the Japanese and British authorities leads to the conclusion that the

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position of the motor-car in question might have been to the southward of Kating, instead of 6 miles south of Taitsang as stated in an earlier British report.

4. In the light of all these circumstances, the Japanese Government consider that the incident may have been caused by Japanese planes which mistook the Ambassador's motor-car as a military bus or truck. As the wounding of the Ambassador may thus have been due to the action, however involuntary, of Japanese aircraft, the Japanese Government desire to convey to His Britannic Majesty's Government a formal expression of their deep regret.

5. As regards the question of the punishment of the aviator concerned, it is needless to say that the Japanese Government would take suitable steps whenever it was established that Japanese aviators killed or wounded, intentionally or through negligence, nationals belonging to a third country.

6. As stated in their interim note of September 6th, instructions have been sent again to the Japanese forces in China to exercise the greatest care in safeguarding non-combatants, it being the desire and policy of the Japanese Government to limit, as far as this can possibly be done, the dangers to non-combatants resulting from the existence of hostilities in China.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

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His Excellency

The Right Honourable Sir Robert L. Craigie, K.C.M.G.,

His Britannic Majesty's Ambassador to Japan.

Etc., Etc., Etc.,

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DEF. DOC. #72.

CERTIFICATE

Statement of Source and Authenticity

I, ODO, Nagaharu, Assistant Chief of the Archives Section, Japanese Foreign Office, hereby certify that the document in English entitled "REPLY OF THE MINISTER FOR FOREIGN AFFAIRS TO THE BRITISH AMBASSADOR" (21 September 1937) is an exact and true copy of an official translation of the Japanese Foreign Office.

Certified at Tokyo 4 October 1946.

(signed) Nagaharu, ODO
Signature of Official

Witness : (signed) T. SATO

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DEF. DOC. #72

not used

注支英國大使通報事件我方最終回答（九月二十二日發送）

以書翰啓上致候陳者支那注創貴國大使「サー、ヒュー、ナッチブル、ヒューゲッセン」氏ノ負傷事件ニ關シテハ不取敢九月六日附往翰ヲ以テ回答ニ及ヒ置キタル處其ノ後上海及其ノ附近ニ於ケル取調完了セルニ付本大臣ハ閣下ニ對シ帝國政府ハ左ノ通リ回答トスルモノナル旨通報スルノ光榮ヲ有シ候

扨モ周到ナル調査ノ結果ニ依レハ八月二十六日午后二時三十五分日本飛行機二機ハ嘉定ノ南東三粁ノ地點ニ於テ支那軍高射砲ヲ以テ攻撃中ノ軍用「バス」若ハ「トラック」ト確信セラレタル自動車二輛ヲ銃撃セルコト判明シタル處當時嘉定ニハ支那軍ノ陣地アリ八月十八日以來日本飛行機ハ之ニ對シ屢次攻撃ヲ行ヒタルノミナラス日支兩軍飛行機ノ間ニ數次ニ亘リ空中戰行ハレタル次第ニ有之候

現在ノ狀況ニ於テハ現地調査ヲ行フコト困難ナルヲ以テ「ナソチ

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ブルヽヒューゲッセン」大使負傷當時ニ於ケル同大使自動車ノ位置ニ關スル各種ノ報告ニ依分ノ相違ハアリタルモ日本飛行機ニハ同大使カ當初負傷シタルト報告セラレタル地點ニ於テ機關銃ヲ掃射シ且ハ爆彈ヲ投下セルモノ無之コト判明致候

然レトモ日英官憲ニ於テ同時ニ周到ナル調査ヲ遂ケタル結果當館自動車ノ位置ハ英國側當初ノ報告所載ノ地ヲ大倉ノ南方六哩ニ非スシテ嘉定ノ南方テリシヤモ知レストノ結論ニ到達致候

敍上ノ次第ニ候ミ帝國政府ハ本事件ハ同大使ノ自動車ヲ軍用ニ若ハ「トラック」ト誤認シタルヨリ日本飛行機ノ行爲ナリシヤモ計ラレスト思考スルモノニ有之候此ノ如ク同大使ノ負傷ハ固ヨリ故意ニ出テタルニハ非サルモ日本飛行機ノ行動ニ因リタルヤモ計リ難キ次第ニ候ミ帝國政府ハ英國政府ニ對シ深摯ナル遺憾ノ意ヲ正式表示ヲナサントスルモノニ有之候

因ニ搭乘員ノ處分ニ關シテハ帝國政府ハ日本搭乘員ニシテ故意

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若ハ懈怠ニ因リ第三國人ヲ殺傷シタルコト判明セル場合ニハ適當ナル處置ヲ執ルヘキコト勿論ノ次第ニ有之候

支那ニ於ケル戰鬪行爲存在ノ結果生スヘキ非戰鬪員ニ對スル危險ヲ出來得ル限リ局限セントスルハ帝國政府ノ希望シ且方針トスル所ニシテ在支帝國軍隊ニ對シ非戰鬪員ニ損害ヲ與ヘサル樣最大ノ注意ヲ拂フヘキ旨帝國政府ヨリ重ネテ訓令濟ノ次第ハ九月六日附不取敢回答シ置キタル通リニ有之候

右回答旁々本大臣ハ玆ニ重ネテ閣下ニ向テ敬意ヲ表シ候　敬具

昭和十二年九月二十一日

外務大臣　廣田弘毅

大不列顛特命全權大使

「ゼ、ライト、オノラブル、サー、ロバート、クレイギー」閣下

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DEF. DOC. #75.

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Trans by. Defense Language Branch.

Organization of the Ministry of Foreign Affairs.

(22nd October 1898 (31st year of Meiji.)
Imperial Ordinance No. 258)

Art. 1 The Minister of Foreign Affairs shall administer governmental affairs concerning foreign nations, the protection of Japanese commercial matter in foreign nations, and affairs regarding Japanese subjects residing in foreign nations, and shall command and supervise diplomats and consuls.

The Minister of Foreign Affairs shall command and supervise the Kwantung Governor-General in respect to matters of foreign policy.

The Minister of Foreign Affairs shall manage affairs concerning cultural enterprises toward China.

Art. 2 The Ministry's Secretariate shall conduct affairs regarding foreign diplomats and consuls residing in the Japanese Empire, the conferment of decorations on foreigners, the keeping of treaty documents, and the translation of documents, besides what is stipulated in the general provisions.

Art. 3 The full number of Secretaries in full service of the Minisry shall be 18.

Art. 4 The Ministry shall have the following 4 Bureaus:

Asiatic Affairs Bureau.

European and American Affairs Bureau.

Commercial Affairs Bureau.

Treaties and Conventions Bureau.

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Art. 5 The Asiatic Affairs Bureau shall conduct affairs of foreign policy concerning China, Hongkong, MACAO, and Siam.

Art. 6 The European and American Affairs Bureau shall conduct affairs of foreign policies, excluding those conducted by the Asiatic Affairs Bureau.

Art. 7 The Commercial Affairs Bureau shall conduct affairs concerning commerce, navigation, and emigration.

Art. 8 The Treaties and Conventions Bureau shall conduct affairs concerning treaties and matters of laws and regulations governing international relations.

Art. 9 In order to conduct affairs on information, there will be an Information Board in the Ministry.

A chief shall be appointed over the same board.

The chief shall be an official of "CHOKUNIN" rank. (TN. A rank of Imperial Appointment)

The chief shall manage affairs of the same board, in compliance with orders of the Minister of Foreign Affairs.

Art. 10 In order to conduct affairs concerning cultural enterprises toward China a Cultural Enterprises Board will be set up within the Ministry.

A Chief shall be appointed over this board.

The Chief shall be an official of the "CHOKUNIN" rank.

The Chief shall manage affairs of the same Board, in compliance with orders of the Minister of Foreign Affairs.

Art. 11 45 Administrative Officials and 8 Commissioners, all

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in full service of the Foreign Ministry shall be appointed in the Foreign Ministry.

The same officials shall be of the "SŌNIN rank. (TN. a rank appointed by Imperial approval) The same officials shall manage affairs under instructions of their senior officials.

Art. 12 7 Translator Officials in full service shall be appointed in the Ministry. The same officials shall be of the "SŌNIN rank". The same officials shall manage the translation of documents under instructions of their senior officials.

Art. 13 3 Telegraph Officials in full service shall be appointed in the Ministry. The same officials shall be of the "SŌNIN rank." The same officials shall manage matters concerning telegraphic codes, under instructions of their senior officials.

Art. 14 A Technical Official shall be of the "SŌNIN rank." The same official shall manage technical affairs under instructions of his senior officials.

Art. 15 The full number of clerks in full service of the Ministry shall be 152.

Art. 16 3 Probationary Translator Officials shall be appointed in the Ministry. The same officials shall be of "hannin" rank. (TN. minor rank) The same officials shall be engaged .in the translation of documents and interpretation under instructions of their senior officials.

Art. 17 9 Assistant Technical Officials in full service shall be appointed in the Ministry. The same officials shall

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be of the "hannin" rank. The same officials shall be engaged in telegraphic operation, construction, and other technical affairs.

Supplementary Provisions

This ordinance shall come into force on and after the day of promulgation.

The Foreign Ministry certifies here that the foregoing ordinance was effective from 1929 (4th year of Showa.) till 1933 (8th year of Showa.)

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DEF. DOC. #75

CERTIFICATE

Statement of Source and Authenticity

I, HAYASHI Kaoru, Chief of the Archives Section, Japanese Foreign Office, hereby certify that the document attached hereto in Japanese, consisting of 4 pages, remarked "SHIRATORI DOCUMENT No 2" and entitled Imperial Ordinance on the Organization of the Ministry of Foreign Affairs" is an exact and true copy of the Japanese original.

Signed at Tokyo on this

5th day of Sept., 1946

(signed) K. HAYASHI
Signature of Official

Witness: (signed) Nagaharu ODO

Translation Certificate

I, Charles D. Sheldon, Chief of the Defense Language Branch, hereby certify that the foregoing translation of the document described in the above certificate is, to the best of my knowledge and belief, a correct translation and is as near as possible to the meaning of the original document.

/s/ Charles D. Sheldon.

Tokyo, Japan
Date 4th day of Nov. 1946

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Def. Doc. # 77

not used

JOINT DECLARATION

According to 6 Nov. 43 announcement by the Greater East Asia Conference Office.

The representatives of the countries who participated in the Greater East Asia Conference held at Tokyo on 5 & 6 Nov. 43 are as follows;

Japan.	Tōjō Hideki	Premier.
China.	Wan Chao Ming. Director of the Administrative Department, National Government.	
Thailand.	Wanwaitaiyakon (T.N.?) In the name of the Premier Marshal P. Pibul Soncram (T.N.?)	
Manchoukuo.	Chang Ching Hui.	Premier.
Philippines.	Jose, P. Laurel.	
Burma.	Ba Mo. (T.N. Phonetic)	Premier.

At this conference, upon unreserved discussion concerning the guiding principles in prosecuting the War of Greater East Asia and establishing a Greater East Asia all the representatives unanimously adopted the folowing joint declaration.

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JOINT DECLARATION

It is the basic principle for the establishment of world peace that the nations of the world have each its proper place, and enjoy prosperity in common through mutual aid and assistance.

The United States of America and the British Empire have in seeking their own prosperity oppressed other nations and peoples. Especially in East Asia, they indulged in insatiable aggression and exploitation, and sought to satisfy their inordinate ambition of enslaving the entire region, and finally they came to menace seriously the stability of East Asia. Herein lies the cause of the present war.

The countries of Greater East Asia, with a view to contributing to the cause of world peace, undertake to cooperate toward prosecuting the War of Greater East Asia to a successful conclusion, liberating their region from the yoke of British-American domination, and ensuring their self-existence and self-defence, and in constructing a Greater East Asia in accordance with the following principles.

1. The countries of Greater East Asia through mutual cooperation will ensure the stability of their region and construct an order of common prosperity and well-being based upon justice.

2. The countries of Greater East Asia will ensure the fraternity of nations in their region, by respecting one another's

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sovereignty and independence and practising mutual assistance and amity.

3. The countries of Greater East Asia by respecting one another's traditions and developing the creative faculties of each race, will enhance the culture and civilization of Greater East Asia.

4. The countries of Greater Asia will endeavour to accelerate their economic development through close cooperation upon a basis of reciprocity and to promote thereby the general prosperity of their region.

5. The countries of Greater East Asia will cultivate friendly relations with all the countries of the world, and work for the abolition of racial discrimination, the promotion of cultural intercourse and the opening of resources throughout the world, and contribute thereby to the progress of mankind.

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C E R T I F I C A T E

Statement of Source and Authenticity

I, HAYASHI, Kaoru, Chief of the Archives Section, Japanese Foreign Office, hereby certify that the document attached hereto in Japanese and English, consisting of 2 pages, remarked "SHIRATORI DOCUMENT No. 6" and entitled "Joint Declaration" is an exact and true copy of the Japanese original.

Signed at Tokyo on this
10th day of September, 1946

(Signed) K. Hayashi
Signature of Official

Witness: (Signed) Nagaharu Odo

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大東亞共同宣言

昭和一八年一一月六日大東亞會議事務局發表

昭和十八年十一月五日及六日の兩日東京に於て大東亞會議を開催せり同會議に出席の各國代表者左の通

日本國　內閣總理大臣　東條英機閣下

中華民國　國民政府　行政院院長　汪兆銘閣下

「タイ」國　內閣總理大臣ピブン・ソンクラム元帥閣下の名代として　ワンワイタヤコーン殿下

滿洲國　國務總理大臣　張景惠閣下

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「フイリピン」國　ホセ・ペー・ラウレル　閣下

「ビルマ」國　バー・モウ　閣下

内閣總理大臣

同會議に於ては大東亞戰爭完遂と大東亞建設の方針とに關し各國代表は隔意なき討議を遂げたる處全く一致を以て左の共同宣言を採擇せり

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大東亞共同宣言

抑々世界各國が各其の所を得相　り相扶けて萬邦共榮の樂を偕にするは世界平和確立の根本要義なり

然るに米英は自國の繁榮の爲には他國家他民族を抑壓し特に大東亞に對しては飽くなき侵略搾取を行ひ大東亞隷屬化の野望を逞うし遂には大東亞の安定を根柢より覆さんとせり大東亞戰爭の原因玆に存す

大東亞各國は相提携して大東亞戰爭を完遂し大東亞を米英の桎梏より解放して其の自存自衞を全うし左の綱領に基き大東亞を建設し以て世界平和の確立に寄與せんことを期す

一、大東亞各國は協同して大東亞の安定を確保し道義に基く共存共榮の秩序を建設す

一、大東亞各國は相互に自主獨立を尊重し互助敦睦の實を擧け大東亞の親和を確立す

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一、大東亞各國は相互に其の傳統を尊重し各民族の創造性を伸暢し大東亞の文化を昂揚す

一、大東亞各國は互惠の下緊密に提携し其の經濟發展を圖り大東亞の繁榮を增進す

一、大東亞各國は萬邦との交誼を篤うし人種的差別を撤廢し普く文化を交流し進んで資源を開放し以て世界の進運に貢献す

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IMPERIAL ECONOMIC CONFERENCE,

AT OTTAWA, 1932.

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1. SUMMARY OF CONCLUSIONS.

The conclusions of the Conference may be summarized as follows:

(a) Resolutions and Statements regarding the Promotion of Trade within the Commonwealth.

(i) EMPIRE CONTENT.

With regard to the determination of the percentage of Empire Content necessary to secure preferential tariff treatment, the Conference draws the attention of the several Governments of the Commonwealth to the importance of this subject, and recommends that each of the Governments of the Commonwealth should investigate, as rapidly as possible, the standard of Empire Content which should be required by them for the import under preferential rates of the different classes of goods, bearing in mind the following principles:

(a) That though it must rest with each Government to decide what standard it will require, a greater degree of uniformity throughout the Commonwealth is desirable;

(b) The standard required should not be such as to defeat or frustrate the intention of the preferential rate of duty conceded to any class of goods.

(ii) EXPORT BOUNTIES AND ANTI-DUMPING DUTIES.

With regard to the question of export bounties and antidumping duties within the Commonwealth, the Conference adopted the following resolution:

This Conference, recognizing that export bounties

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and exchange depreciation adversely affect the value of tariff preferences within the Commonwealth, expresses the hope that with a rise in the level ofcommodity prices and with stabilized exchanges such bounties and the special duties which have been adopted as a means of adjusting the situation so created, may be withdrawn.

(iii) TRADE AGREEMENTS.

With regard to the conclusion of certain Agreements for the extension of mutual trade by means of reciprocal preferential tariffs, the Conference adopted the following resolution:

The nations of the British Commonwealth having entered into certain Agreements with one another for the extension of mutual trade by means of reciprocal preferential tariffs, this Conference takes note of these Agreements and records its conviction;

That by the lowering or removal of barriers among themselves provided for in these Agreements, the flow of trade between the various countries of the Empire will be facilitated, and that by the consequent increase of purchasing power of their peoples, the trade of the world will also be stimulated and increased;

Further, that this Conference regards the conclusion of these Agreements as a step forward, which should in the future lead to further progress in the same direction, and which will utilize protective duties to ensure that the resources and industries of the Empire are developed on sound economic lines.

The Agreements referred to are annexed hereto and the Conference commends them to the several parts of the Empire.

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(b) Resolutions regarding Customs Administration.

The Conference recommends that the aims to be kept in view should be;

(i) The avoidance of uncertainty as to the amount of duty which would be payable on thearrival of goods in the importing country;

(ii) The reduction of friction and delay to a minimum;

(iii) The provision of facilities for the expeditious and effective settlement of disputes relating to all matters affecting the application of the Customs Tariff;

and that any measures which Customs Administrations might take to safeguard themslves against evasion should be consistent with these principles.

(c) Statement regarding Commercial Relations with Foreign Countries.

The Conference considered two broad groups of questions affecting the commercial relations of the several members of the Commonwealth with foreign countries.

In the first place, the Conference discussed the general question of the relationship between inter-Commonwealth preferences and the most-favoured-nation clause in commercial treaties with foreign Powers. Each Government will determine its particular policy in dealing with this matter, but the representatives of the various Governments on the Committee stated that it was their policy that no treaty obligations into which they might enter in the future should be allowed to interfere with any mutual preferences which Governments of the Commonwealth

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might decide to accord to each other, and that they would free theselves from existing treaties, if any, which might so interfere. They would, in fact, take all the steps necessary to implement and safeguard whatever preferences might be so granted.

In the second place, attention was drawn to recent tendencies in foreign countries to conclude regional agreements between themselves for the mutual accord of preferences which were designed as being exclusive, and not to be extended to countries which were not parties to, or did not adhere to the agreements. On this point, there was a general agreement that foreign countries which had existing treaty obligations to grant most-favoured-nation treatment to the products of particular parts of the Commonwealth could not be allowed to override such obligations by regional agreements of the character in question. Particular reference was made in this connection to the question of the Danubian in regard to which preferential treatment was in contemplation for the cereal exports of the States concerned -- exports which constitute a substantial proportion of the world's exports of the cereals in question. The Conference was however, informed that in the discussion which took place at Lausanne on the matter, the rights of third countries had, at the instance of the United Kingdom, been expressly reserved.

The Conference recognized that the fact that rights are accorded by most-favoured-nation treatment does not preclude a foreign country from seeking the consent of the various Governments of the British Commonwealth to the waiver of their rights in particular cases, and that these Governments must be by consideration of their individual interests in deciding whether or not to meet the wishes of the foreign country concerned,

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so long, however, as the general principle that rights of this kind cannot be arbitrarily withdrawn is fully and carefully preserved.

The Conference would, however, recommend that where two or more Commonwealth Governments share a common interest in any proposal for the waiver of particular treaty rights, they should consult together with a view to arriving, in so far as possible, at a common policy.

(d) Resolutions and Statements regarding Monetary and Financial Questions.

I.

(a) A rise throughout the world in the general levels of wholesale prices is in the highest degree desirable. The evil of falling prices must be attacked by Government and individual action in all its causes, whether political, economic, financial or monetary.

(b) For dealing with the problem in its widest aspects the Governments represented at this Conference record their conviction that international action is urgently necessary, and announce their desire to co-operate with other nations in any practicable measures for raising wholesale prices.

(c) The Conference has considered what action can be taken by the nations of the Commonwealth to help towards raising prices.

As regards monetary factors, the Conference recognizes that the central position of the United Kingdom, not only among the countries of the Commonwealth but in world trade and finance, makes the United Kingdom a main factor in anything that can be done. The Conference, therefore, welcomes the following state-

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ment made on behalf of the United Kingdom by the Chancellor of the Exchequer:--

"His Majesty's Government desire to see wholesale sterling prices rise. The best condition for this would be a rise in gold prices, and the absence of a rise in gold prices inevitably imposes limitations on what can be done for sterling. A rise in prices cannot be effected by monetary action alone, since various other factors which have combined to bring about the present depression must also be modified or removed before a remedy is assured. His Majesty's Government, nevertheless, recognize that an ample supply of short-term money at low rates may have a valuable influence, and they are confident that the efforts which have successfully brought about the present favourable monetary conditions can and will, unless unforeseen difficulties arise, be continued."

(d) The Conference recommends the other countries of the Commonwealth represented here to act in conformity with the line of policy as set out in the statement of the Chancellor of the Exchequer, so far as lies within their power.

In the monetary sphere the primary line of action towards a rise in prices should be the creation and maintenance, within the limits of sound finance, of such conditions as will assist in the revival of enterprise and trade. Among these conditions are low rates of interest and an abundance of short-term money. While regard must be had to the different conditions applying to various types of loans, the rate of interest for all purposes

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should be kept as low as financial conditions permit. At the same time it is necessary that these favourable monetary conditions be achieved, not by the inflationary creation of additional means of payment to finance public expenditure, but by an orderly monetary policy, safeguarded, if the necessity should arise, by such steps as will restrain and circumscribe the scope of violent speculative movements in commodities or securities.

It must be kept in mind, however, that the success of any such policy will be hampered and might be nullified by the failure to modify or remove important non-monetary obstacles. Of the non-monetary factors which are depressing the level of prices many are of international character and require an international remedy. The nations of the Commonwealth should, nevertheless, take all steps that lie in their power to increase public confidence, especially in the field of business enterprise, and to facilitate trade.

(c) The Conference recognizes the great importance to traders of stability of exchange rates over as wide an area as possible. The complete solution of this problem must await the restoration of conditions for the satisfactory working of an international standard as referred to below. In the meanwhile, and pending such a solution, this Conference has considered the possibility of achieving valuable results in two directions - first by creating an area of stability among countries regulating their currencies in relation to sterling; and secondly, by avoiding wide day-to-day fluctuations between sterling and gold.

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As regards the latter, the Conference has noted with satisfaction that the United Kingdom has already established machinery aimed at preventing wide fluctuations in the gold value of sterling caused by speculative movements, As to the former, the Conference recognizes the value of the countries within the Commonwealth whose currencies are linked to sterling maintaining stability between their exchange rates and looks to a rise in the general level of wholesale prices as the most desirable means for facilitating this result.

II.

The Conference recognizes that the ultimate aim of monetary policy should be the restoration of satisfactory international monetary standard. Such a standard should so function as not merely to maintain stable exchange rates between all countries, but also to ensure the smooth and efficient working of the machinery of international trade and finance.

This postulates international agreement among the great trading nations of the world, and while certain of the States here represented hold very definite views on the question of the most desirable standard, the Conference refrains from making any recommendations on the subject in view of the fact that the question is shortly to be discussed at an international conference. There are, however, several conditions precedent to the re-establishment of any international monetary standard. The most important among them are: a rise in the general level of commodity prices in the various countries to a height more in keeping with the level of costs, including the burden of debt and other fixed and semi-fixed charges; and an adjustment of the factors political

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economic, financial and monetary, which have caused the breakdown of the gold standard in many countries, and which, if not adjusted, would inevitably lead to another breakdown of whatever international standard may be adopted.

It is also in the view of the Conference of the utmost importance to the future working of any international standard that international co-operation should be secured and maintained with a view to avoiding, so far as may be found practicable, wide fluctuations in the purchasing power of the standard of value.

(e) Resolutions and Statements regarding Methods of Economic Co-operation.

(i) General Resolutions.

This Conference, having discussed the question of Economic Consultation and Co-operation within the Commonwealth, and having considered the annexed report prepared for it on the constitution and functions of existing agencies operating in these fields:

Recommends that a committee should be appointed forthwith, consisting of not more than two representatives of each of the participating Governments, to consider the means of facilitating economic consultation and co-operation between the several Governments of the Commonwealth, including a survey of the functions, organization and financial bases of the agencies specified in the annexed report, and an examination of what alterations or modifications, if any, in the existing machinery for such co-operation within the Commonwealth are desirable.

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The Conference further recommends that it shall be an instruction to the Committee to elect their own Chairman from among their members, and to report to the several Governments represented thereon not later than the 31st May next, with a view to the consideration of their report by the several Governments not later than September 1933.

The Conference was given to understand by the representatives of the United Kingdom that, in order that the necessary time might be available for the preparation and consideration of the report of the Committee concerning the existing and future machinery for economic cooperation within the Commonwealth, the Government of the United Kingdom would continue to furnish any funds which may be required to finance essential work of the Empire Marketing Board down to the end of September 1933. The Conference records its deep appreciation of the action of the United Kingdom in this respect.

With regard to the above recommendations reservations were made by Mr. Havenga, for the Union of South Africa, and by Mr. Lemass, for the Irish Free State, respectively, in the following terms: --

(Mr. Havenga): "While not wishing to object to the acceptance of the report of the Committee on Methods of Economic Co-operation. I desire, in order--to remove any ground for misapprehension, to record the following reservations on behalf of the Union of South Africa:

"1. While not generally adverse to the institution of ad hoc bodies for economic investigation and preparation, the Union Government will not associate itself with any scheme for the erection of any organization in the nature of a permanent secretariat or preparatory committee to

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Commonwealth Conferences, whether economic or otherwise.

"2. That portion of the report which introduces the draft resolutions relating to the appointment of a Committee to consider the means of facilitating economic consultation and co-operation, must not be read in the sense that the Union Government is committed in principle to give financial support to Commonwealth Economic Organizations."

(Mr. Lemass): "I do not object to the adoption of this report and the accompanying resolutions, but I wish it to be made perfectly clear in the published records of the Conference that the Government of the Irish Free State are not prepared to contemplate the setting up of an Imperial Economic Secretariat or of any similar organ of centralization."

(ii) Resolution concerning Industrial Standardization.

I. The Conference recommends that, with a view to assisting the co-ordination of the work of national stadardization, the following principles, as far as practicable, be observed:

(a) That the specifications should be in accordance with the needs of industry and fulfil a generally recognized want:

(b) That the community interest of producer and consumer should be maintained throughout;

(c) That the specifications should be arrived at by general consent;

(d) That periodical review and revision should be undertaken to prevent crystallization and keep the specifications abreast of progress;

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(e) That full information regarding the initiation of any specification and progress in its preparation should, without delay, be circulated by the originating body to the corresponding bodies in other parts of the Commonwealth.

II. Having regard to the disadvantages which are apt to occur when a statutory provision embodies a standard specification verbatim, whether in whole or in part, instead of confining itself to a reference to a national standard specification, the Conference recommends that each Government of the Commonwealth in co-operation with its central standardizing body, should bring under review the position with regard to such statutory provisions, in order that it may be possible to keep these standards in line with industrial and scientific progress without the necessity of fresh legislation.

III. With a view to facilitating the general adoption of standard specifications throughout the Commonwealth, the Conference recommends that the Governments concerned take into favourable consideration the provision of free entry to standard specifications and other documents circulated between the central standardizing bodies.

IV. In order to provide the various parts of the Commonwealth with an accurate means of exchange of colour information and to secure a basic standard in trade practice, the Conference recommends that each central standardizing body should at an early date consider the issue of a standard schedule of colours.

V. As an immediate step towards the promotion of intra-Commonwealth trade through the adoption of commercial standard specifications, the Conference recommends that, in respect to

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steel, timber, industrial chemical products and replaceable parts of agricultural implements and machinery, immediate steps be taken by the central standardizing bodies in those parts of the Common-wealth affected to secure a greater degree of uniformity in standard specifications and trade practices.

VI. With a view to the employment of common standard specifications for aircraft materials and component parts, and particularly the method of testing therein specified, the Conference recommends that the national standardizing bodies in those parts of the Commonwealth particularly concerned, should co-operate directly with this object in view.

VII. The Conference, taking note of the observation contained in the last paragraph of the Report of the Conference on Standardization accepted by the Imperial Conference of 1930, which reads as follows:--

> "Apart from day to day consideration of matters of detail, we are impressed with the desirability of readier means of consultation on questions of policy than are afforded by the past, or by occasional conferences such as the present."

is impressed with the desirability of obviating the difficulties and delays which inevitably occur under existing conditions in conducting consultations between the central standardizing bodies in the various parts of the British Commonwealth of Nations, and the misunderstandings which occasionally arise due to the distances between the correspondents and to the subject matter of the communications.

The Conference recommends that for the purpose of maintaining closer liaison in these matters the central standardizing bodies

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in the different parts of the Commonwealth should be authorised to call together, periodically or otherwise, representatives in their respective countries of the corresponding bodies, or persons otherwise designated for the purpose.

The Conference further suggests that such an arrangement might include a provision whereby the Trade Commissioners maintained in different parts of the Empire by the several Commonwealth Governments should, as occasion requires, be available to act as Liaison Officers for this purpose. The Conference considers that it should be made clear that such consultations are purely supplementary to, and not intended in any way to supplant, the method of direct communication already established between the central standardizing bodies.

(iii) Grading and Standards of Agricultural Products.

The report of the Sub-Committee on this subject, which is set forth as Appendix 2 to the Report of the Committee on Methods of Economic Co-operation, was approved by the Conference.

(iv) Resolutions concerning Industrial Co-operation.

This Conference, having examined the Report of the Imperial Economic Committee on Imperial Industrial Cooperation, finds itself in general agreement with the tenor of the Report.

The Report makes it clear that industrial production has developed and will continue to develop in the less industrialized parts of the Commonwealth. These developments involve changes in the economic structure both of the more industrialized and of the less industrialized countries; and the Conference notes with approval the view of the Committee that: "the object of co-operation is not, and must not be, to arrest change, but wisely to

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direct and facilitate its course."

It should, in the opinion of the Conference, be the object of any policy of industrial co-operation within the Commonwealth to secure the best division of industrial activities among the several parts of the Commonwealth and the ordered economic development of each part, with a view to ensuring the maximum efficiency and economy of production and distribution.

It is further the view of the Conference that the precise nature and extent of the co-operation to be achieved in any particular industry must largely depend upon effective consultation between those engaged, or proposing to engage, in that industry in any two or more parts of the Commonwealth.

The Conference therefore recommends to the various industries in which conditions are suitable for the purpose, the desirability of making arrangements for such consultation at the earliest possible date, but it records its belief that such consultation, to be fully effective should be conducted between responsible persons or bodies adequately representative of the industry in each part of the Commonwealth concerned.

The Conference further recommends that the Governments concerned facilitate and assist such consultations by all available means.

The Conference further recommends that, without prejudice to their liberty to determine their own general economic policies, the Governments of the Commonwealth should give sympathetic consideration to any proposals which may be directed towards giving effect to the principle of industrial co-operation and which may be put before them by responsible parties representing similar

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industrial interests in the parts of the Commonwealth affected. In this connection the Conference would draw attention to the importance of taking into consideration the interests of other parts of the Commonwealth which might be affected by such proposals.

(v) Resolution concerning Films and Radio.

The Conference takes note of the suggestions contained in the Report upon Films and Radio submitted to it by the Committee on Methods of Economic Co-operation, and commends them for the consideration of the Governments represented at the Conference.

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C E R T I F I C A T E

Statement of Source and Authenticity

I, HAYASHI, Kaoru, Chief of the Archives Section, Japanese Foreign Office, hereby certify that the document in English entitled "IMPERIAL ECONOMIC CONFERENCE, AT OTTAWA, 1932." is an exact and true copy of an official document of the Foreign Office.

Certified at Tokyo 29 October 1946.

K. HAYASHI
Signature of Official

Witness: Nagaharu OKO

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一、參考　千九百三十二年「オタワ」英帝國
經濟會議ニ於ケル決定事項ノ概要

本會議ノ決定事項ハ之ヲ左ノ如ク要約スルコトヲ得ベシ

(甲)全英聯盟内ニ於ケル貿易ノ促進ニ關スル決議及聲明

(一)計画的要素(「エンパイア、コンテント」)

特惠税率ノ待遇ヲ確保スルニ必要ナル帝國的要素ノ制合ノ決定ニ關シテハ本會議ハ本問題ノ重要性ニ關シ全英聯盟内ノ諸政府ノ注意ヲ喚起シ且右諸政府ノ各ガ特惠税率ノ下ニ各種ノ貨物ヲ輸入スル爲ニ要スベキ帝國的要素ノ標準ヲ右各政府ニ於テ左ノ原則ニ留意シツツ能フ限リ速ニ調査スベキコトヲ勸告ス

(イ)如何ナル標準ヲ必要トスルカヲ決定スルハ各政府ノ爲スベキコトニ屬スベシト雖モ全英聯盟ヲ通ジテノ過半ノ統一ハ望マシキモノトス

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(ロ)所要ノ標準ハ何レノ種類ノ貨物ニ對シ與ヘラレタル特惠關稅率ノ目的ヲモ破壞シ又ハ無效ナラシムルカ如キモノタラザルベシ

(ハ)輸出奬勵金及不當廉賣防止稅

金英聯盟內ニ於ケル輸出奬勵金及不當廉賣防止稅ノ問題ニ關シテハ本會議ハ左ノ決議ヲ採擇セリ

本會議ハ輸出奬勵金及爲替下落ガ金英聯盟內ニ於ケル關稅上ノ特惠ノ價値ニ不利ナル影響ヲ及ボスコトヲ認メ物價水準ノ騰貴及爲替ノ安定ト共ニ右奬勵金及右ニ依リ生ジタル事態ノ調査手段トシテ採用セラレタル特別關稅ガ撤回セラレンコトノ希望ヲ表明ス

(ニ)貿易協定

相互的特惠關稅率ニ依ル相互ノ貿易ノ休長ノ爲ノ或協定ノ締結ニ關シテハ本會議ハ左ノ決議ヲ採擇セリ

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全英聯盟內ノ諸國ガ相互的特惠稅率ニ依ル相互ノ貿易ノ伸長ノ爲相互間ニ或協定ヲ締結シタルヲ以テ本會議ハ右協定ヲ了承シ且本會議ノ左ノ確信ヲ記錄ニ留ム

右協定ニ規定セラルル相互間ノ障壁ノ縮少又ハ撤去ニ依リ帝國內ノ諸邦間ノ貿易ハ容易ナラシメラルベク且右ノ結果タル右諸邦ノ人民ノ購買力ノ增加ニ依リ世界ノ貿易モ亦刺戟セラレ且增加セラルルニ至ルベシ

尙本會議ハ右協定ノ締結ヲ以テ同一ノ方向ニ於ケル一層ノ前進ヲ將來ニ於テ促シ且帝國ノ資源及產業ガ健全ナル經濟上ノ方針ニ基テ開發セラルルコトヲ確保スル爲保護關稅ヲ利用セントスル一步ノ前進ナリト看做スモノナリ

(乙) 關稅行政ニ關スル決議

本會議ハ達成ヲ期セラルベキ目的ガ左記ニ在ルベキコト

(一) 輸入國ニ於テ商品ノ到著ノ際支拂ハルベキ稅額ニ關スル不確定

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ノ除去

(ロ)直接及遅延ノ最小限度迄ノ締決

(ハ)関税率ノ適用ニ影響ヲ及ボス一切ノ事項ニ関スル紛争ノ急速且有效ナル解決ノ爲ノ施設ノ設置

及関税行政ガ脫税防止ニ対スル自己防衛ノ爲執ルコトアルベキ何レノ措置モ右原則ニ一致スベキコトヲ勧告ス

(ヘ)外国トノ通商関係ニ関スル声明

本會議ハ全英聯盟ノ諸構成員ト外国トノ通商関係ニ影響ヲ及ボス問題ノ二大種類ニ付考究セリ

其一ニ本會議ハ全英聯盟ノ諸邦間ノ特恵関税及外国トノ通商條約ニ於ケル最惠国民條項ノ間ニ於ケル関係ノ一般的問題ヲ討議シタリ各政府ハ右事項ヲ處理スルニ當リ其ノ将自ノ政策ヲ決定スルナルベシト雖モ委員會ニ於ケル諸政府ノ代表者ハ全英聯盟内ノ諸政府ノ方針ハ將來引受クルコトアルベキ條約

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上ノ義務ヲシテ右諸政府ガ相互ニ許與スルコトニ決定スルコトアルベキ如何ナル相互ノ特惠ヲモ妨ゲザラシムルニ在ル旨及現存條約ニシテ右ノ如キ妨害ヲ爲スコトアルベキモノアルトキハ右諸政府ガ之ヨリ離脫スベキコトニ在ル旨ヲ陳述セリ實際ニ於テ右代表者ハ斯ク許與セラルルコトアルベキ如何ナル特惠ヲモ完全ナラシメ且之ヲ保證スルニ必要ナル一切ノ措置ヲ執ルベシ

第二ニ非他的ノモノトシテ企圖セラレ且右協定ノ締約國タラザルカ又ハ之ニ加入セザル國ニハ及ボサレザル特惠關稅ノ相互的許與ニ關シ相互間ニ地方的協定ヲ締結セントスルノ諸外國ニ於ケル最近ノ傾向ニ對シ注意ハ喚起セラレタリ此ノ點ニ關シテハ全英聯盟ノ特定部分ノ生産物ニ對シ最惠國待遇ヲ許與スルノ現在條約上ノ義務ヲ有スル外國ヲシテ右ノ性質ヲ有スル地方的條定ニ依リ右義務ヲ破棄セシムルコトヲ得ザルコ

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トニ一般的ノ一致アリタリ右ニ關聯シ、問題ノ提出（當該提
ノ世界ニ出ノ重要部分ヲ構成ス）ニ付最惠國稅待遇ガ企圖セ
ラレツツアリタル「ダニューヴ」河流域諸國ノ問題ニ特ニ言
及セラレタリ尤モ本會議ハ右問題ニ關シ「ローザンヌ」ニ於
テ行ハレタル討議ニ於テ第三國ノ權利ガ瑞合王國ノ主唱ニ依
リ明白ニ留保セラレタル旨ヲ通知セラレタリ

本會議ハ權利ガ最惠國待遇ニ依リ付與セラレタルノ事實ハ外
國ガ特定ノ場合ニ於テ全英瑞盟內ノ諸政府ニ對シ其ノ權利ノ
拋棄ニ付テノ同意ヲ求ムルコトヲ妨グルモノニ非ザルコト及
此ノ種ノ權利ガ任意的ニ撤回セラレ得ザルノ一般的原則ガ完
全ニ且愼重ニ遵守セラルル限リ右諸政府ハ關係外國ノ希望ニ
應ズベキカ否カヲ決スルニ際シ各自ノ利益ニ對スル考慮ニ依
リ決定スベキモノナルコトヲ認メタリ

尤モ本會議ハ全英瑞盟內ノ二以上ノ政府ガ特定ノ條約上ノ權

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利ノ抛棄ニ關スル提案ニ共通ノ利害關係ヲ有スル場合ニハ右政府ガ共通ノ政策ニ能フ限リ到達スルノ目的ヲ以テ協議スベキコトヲ勸告ス

(丁) 通貨上及金融上ノ問題ニ關スル決議及聲明

一

(一) (イ) 卸賣物價ノ一般水準ノ世界的昇騰ハ極メテ望マシキコトナリ物價下落ノ弊害ハ其ノ一切ノ原因ニ付該原因ガ政治的、經濟的、金融的又ハ通貨的ノ何レタルトヲ問ハズ之ヲ政府及個人ノ行動ニ依リ打破セザルベカラズ

(ロ) 本問題ヲ其ノ最重要ナル諸方面ニ付論ズル爲、本會議ニ代表者ヲ出セル諸政府ハ國際的行動ガ切ニ必要ナリトノ確信ヲ記錄ニ留メ且卸賣物價ヲ高ムル爲ノ實際的手段ニ關シ他國民ト協力スルノ希望ヲ表明ス

(ハ) 本會議ハ物價騰貴ヲ促進スル爲全英聯盟ノ諸國民ニ依リ如何

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ナル措置ガ執ラルベキカヲ考究シタリ

通貨上ノ要因ニ關シテハ本會議ハ全英聯盟内ノ諸邦ノ間ニ於テノミナラズ世界ノ貿易及金融ニ於テノ聯合王國ノ中心的地位ガ爲サレ得ル何事ニ付テモ一ノ主タル要因ヲ成スコトヲ認ム故ニ本會議ハ聯合王國ノ爲ニ大藏大臣ニ依リ爲サレタル左ノ聲明ヲ歡迎スルモノナリ

「皇帝陛下ノ政府ハ英貨ニ依ル卸賣價格ガ騰貴センコトヲ希ス之ガ爲ノ最良ノ條件ハ金ノ價格ノ騰貴ニ在ルベク金ノ價格ノ騰貴ナキコトハ英貨ノ爲ニ爲サレ得ル事項ニ對シ必然制限ヲ課スルコトト爲ルベシ物價ノ騰貴ハ通貨上ノ行動ノミニ依リテ之ヲ遂行シ得ルモノニ非ズ何トナレバ相結合シテ現在ノ不況ヲ惹起シタル他ノ諸要因モ亦救濟策ガ確保セラルルニ先チ變更セラレ又ハ除去セラレザルベカラザレバナリ然レ共皇帝陛下ノ政府ハ低利ノ短期通貨ノ潤澤ナル

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供給ガ貴重ナル威力ヲ有スルコトヲ認メ且現在ノ良好ナル通貨上ノ状態ヲ惹起スルニ成功セル努力ガ該期セザル困難ノ起ラザル限リ由緩セラレ得ベク且ツ緩スベシト確信スルモノナリ」

(ニ) 本會議ハ之ニ代表者ヲ出セル全英聯盟内ノ他ノ諸邦ニ對シ其ノ能フ限リ大藏大臣ノ聲明中ニ掲ゲラレタル政策ノ方針ニ從テ行動センコトヲ勧告ス

通貨ノ方面ニ付テハ物價騰貴ノ爲ノ主要ナル行動方針ハ企業及貿易ノ復興ヲ助クルガ如キ狀態ヲ創造シ且之ヲ維全ナル金融ノ限界内ニ於テ維持スルコトニ在リ右狀態中ニハ金利ノ低率ナルコト及短期通貨ノ潤澤ナルコト存ス諸種ノ貸付ニ適用セラルル條件ノ異ルコトヲ考慮セザルベカラズト雖モ一切ノ目的ニ供セラルル利率ハ金融狀態ノ許ス限リ低率ニ維持セラレザルベカラズ同時ニ右ノ良好ナル通貨狀態ガ公ノ費用ヲ辨

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ズル為ノ追加的支拂手段ノ如キ
有價證券ニ於ケル過度ナル投機的運動ノ範圍ヲ制限スルカ如
キ方法ニ依リ必要ニ應ジ保護セラルル秩序アル通貨政策ニ依
リテ通貨セラルルコト必要ナリ

然レドモ通貨以外ノ事項又ハ除去ノ步調ニ依
リテ新ル通貨ノ成功カ阻止セラルベク且無效タラシメラルル
コトアルベキコトニ留意セサルベカラズ物價水準ヲ低下セシ
メツツアル通貨以外ノ要因中多クハ心理的性質ヲ有シ且屢
的效ヲ必要トスルモノナリルモ英佛盟ノ關係ハ全ク信用
殊ニ實業界ニ於ケル公ノ信用ヲ增シ且貿易ヲ容易ナラシムル
能フベリノ一切ノ步調ヲ以テスルベシ

本會議ハ國際ニ於ケル爲替相場ノ安定カ貿易上
ニトリ最重要ナルモノナルヨトヲ認ム本問題ノ完全ナル解決
ハ左ニ列グル如キ諸原則ノ滿足ナル作用ノ爲ノ條件ノ成復

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ニ俟タザルベカラズ其ノ間且加ルニ英貨ニ関シ目下ノ通貨ヲ制限シツツアル諸国間ニ一ノ安定區域ヲ設定スルコト並ニ英貨及金ノ間ノ日々ノ大ナル変動ヲ防止スルコトニ依リニ方面ニ於テ貿易ヲ助長シ適応シ得ルノ可能性ニ付実験シタリ仏蘭西ニ於テハ本会議ハ合王國ガ投機的運動ニ依リ生ジタル英貨ノ金価ニ対スル大ナル変動ノ防止ヲ目的トスル機構ヲ既ニ設ケタルコトヲ認メテ前述スルモノナリ而シテ本会議ハ合衆國内ノ諸國ニシテ英貨ト結合セル通貨ヲ有スルモノガ其ノ為替相場ノ固ニ安定ヲ維持スルノ政策ヲ採ルコトヲ歓迎ナルコトヲ認メ且此ノ如キ結果ヲ促進セシムル為ノ手段ヲ講ズルヲ希望マシキ手段トシテ個別的価ノ一般水準ノ昂騰ヲ期待ス

二

本会議ハ通貨政策ノ終局ノ目的ハ物価ナル國際的通貨標準ノ固

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復ニ在ルベキコトヲ謀ム所ル措置ハ一切ノ關ノ間ニ安定ヲル爲
替相場ヲ維持スルノミナラズ關的貿易及金ノ移動ノ圓滑且
有效ナル作用ヲ確保スルカ如キ態
ヲカニハ世界ノ大貿易關圏ノ關的比定ヲ必要トシ又本會議
ニ於テ出ヤル關ノ或モノハ最マシキ標準ノ間ニ門シ方
メテ確ナル意見ヲ有スト雖モ本會議ハ本問題ガ近ク關門會議
ニ於テ審議ヤラルベキノ事ニ付ミ何等ノ決定ヲモ
サズ尤モ關的通貨標準ノ研究ヲ
其ノ中最貴要ナルモノハ左ノ如シ
各關ニ於ケル商品價格ノ一般的水準ガ常ニ他ノ定
及半定額ノ該金ヲ含ム原價ノ水準ニ一致スル高サ迄ノ
具際並ニ政治的、經濟的、金融的
及近代的要因ニシテ多ク
關ニ於テ金本位制ノ助長ヲ招來シ且制限ヤラレズトヤバ如何
ナル關際的ノ標準ガ採用ヤラルルヲ問ハズ必然的ニ其ノ基礎

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ニ導クベキモノノ調整

本會議ニ於テハ價値ノ標準ノ購買力ノ大ナル變動ヲ實行可能ト認メラルル範圍ニ於テ防止スルノ目的ヲ以テ國際的協力ガ確保セラレ且維持セラルベキコトガ如何ナル國際的標準ノ將來ノ運用ニ對シテモ亦最重要ナリト認ム

(戊)經濟的協力ノ方法ニ關スル決議及聲明

(一)一般的決議

本會議ハ全英聯盟內ニ於ケル經濟的ノ協議及協力ノ問題ヲ考慮シ且此等ノ方面ニ於テ行動シツツアル現存機關ノ構成及職能ニ關シ本會議ノ爲ニ作成セラレタル附屬報告書ヲ考慮シタル後左ノ如ク勸告ス

全英聯盟內ノ諸政府間ノ經濟的ノ協議及協力(附屬報告書ニ揭ゲラルル機關ノ職能、組織及財政的基礎ノ調査竝ニ全英聯盟內ニ於ケル右協力ノ爲ノ現存設備ニ付爲ストセバ如何ナル變更ガ

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望マシキカノ宣言ヲ含ム）ヲ容易ナラシムル方法ヲ考究スル爲
本會議ニ參加セル各政府ノ二名ヲ超エザル代表者ヨリ成ル一ノ
委員會カ直ニ任命セラルベキコト
尙本會議ハ右委員中ヨリ議長ヲ選擧シ及右委
員會ノ報告書ガ右委員會ニ代表者ヲ出セル諸政府ニ依リ千九百
三十三年九月以前ニ宣言セラルル爲來ル五月三十一日以前ニ之
ヲ右諸政府ニ提出スルコトガ命ゼラレンコトヲ勸告ス

本會議ハ全英聯盟內ニ於ケル經濟的協力ノ爲ノ現存及將來ノ機構
ニ關スル右委員會ノ報告書ノ作成及宣言ノ爲ニ必要ナル時日ガ得
ラルル爲聯合王國政府ガ帝國市場局ノ緊要ナル事業ノ經理ニ要ス
ルコトアルベキ資金ヲ千九百三十三年九月末迄引續キ供給スベキ
コトヲ聯合王國ノ代表者ニ依リ信ゼシメラレタリ本會議ハ此ノ點
ニ關スル聯合王國ノ行動ニ對スル深甚ナル感謝ヲ記錄ニ留ム

前記ノ諸勸告ニ關シテハ南「アフリカ」聯邦ノ爲ニ「ハヴエンガ」

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氏ニ依リ又「アイルランド」自由國ノ爲ニ「レマツス」氏ニ依リ夫々左ノ如キ語句ノ留保ガ爲サレタリ

(「ハヴエンガ」氏)經濟的協力方法委員會ノ報告書ノ受諾ニ反對スルコトヲ欲スルニハ非ザルモ記錄ノ原因ヲ除去セン爲予ハ南「アフリカ」聯邦ノ爲ニ左ノ留保ヲ記錄ニ留メント欲ス

(一)聯邦政府ハ經濟的ノ調査及ビ準ノ爲ノ特殊機關ノ設置ニ對シ一般的ニ反對ナルニハ非ザルモ經濟的又ハ其レ以外ノ全英聯盟會議ニ對スル常設事務局又ハ準委員會ノ性質ヲ有スル如何ナル機關ノ設置ノ計畫ニモ參與セザルベシ

(二)報告書中經濟的ノ協議及協力ヲ容易ナラシムル手段ヲ考究スル爲一ノ委員會ヲ任命スルコトニ關スル決議案ヲ議錄セル部分ハ聯邦政府カ全英聯盟經濟機關ニ財政的援助ヲ與フルコトニ付主義上拘束セラルルモノナリトノ趣旨ト解セラルベカラズ

(「レマツス」氏)予ハ本報告書及附屬決議ノ採擇ニ反對スル

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キノニ非ザルモ「アイルランド」自由國政府ニ於テ帝國經濟事務局又ハ同様ノ如何ナル中央機關ノ設置ヲモ考慮スルノ用意アル旨ガ本會議ノ公表記錄中ニ於テ完全ニ明瞭ナラシメラレンコトヲ希望ス

(ヘ)産業上ノ標準化ニ關スル決議

(ト)本會議ハ國家的標準化ノ事業ノ聯絡ヲ助クルノ目的ヲ以テ左ノ原則ガ能フ限リ遵守セラレンコトヲ勧告ス

(イ)規格ハ産業ノ要求ニ應ジ且一般ニ認メラレタル不足ヲ充足スベキコト

(ロ)生産者及消費者ノ共同生活上ノ利益ガ全般的ニ維持セラルベキコト

(ハ)規格ハ一般ノ同意ニ依リ決定セラルベキコト

(ニ)固定ヲ防止シテ規格ヲシテ進歩ト併行ヲ保タシムル爲定期ノ檢閲及修正ガ行ハルベキコト

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(ホ)規格ノ創設及其ノ作成ノ進行ニ關スル充分ナル情報ガ右創設ヲ爲セル機關ニ依リ金英瑞國ノ他ノ部分ニ在ル對當機關ニ遲滯ナク配付セラルベキコト

(ヘ)法令ノ規定ガ國家的ニ標準規格ヲ參照セシムルニ止マル代ニ其ノ全部又ハ一部ニ付規格ヲ遂語的ニ規定スル場合ニ生ジ易キ不便ヲ考慮シ本會議ハ金英瑞國內ノ各政府ガ其ノ中央標準化機關ト協力シ此等ノ規格ヲシテ新ナル立法ヲ要セズシテ產業上及科學上ノ進步ト併行セシムルコトヲ得ル爲右法令ノ規定ニ關スル問題ヲ檢討スベキコトヲ勸告ス

(ト)金英瑞國ヲ通ジテノ標準規格ノ一般的採用ヲ容易ナラシムルノ目的ヲ以テ本會議ハ關係諸政府カ中央標準化機關ノ間ニ配布セラレタル標準規格及他ノ文書ノ無料登載ノ規定ニ對シ好意的考慮ヲ爲スベキコトヲ勸告ス

(チ)色彩ニ關スル情報ノ交換ノ正確ナル手段ヲ金英瑞國ノ諸部分ニ

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供シ且貿易ノ實際ニ於ケル基本的標準ヲ確保スル爲本會議ハ各
中央標準化機關ガ凍ニ標準色彩表ノ發行ヲ審議スベキコトヲ勸
告ス

(五) 商業上ノ標準規格ノ採用ニ依リ金英聯盟諸國間ノ貿易ノ促進ヘ
ノ即時ノ一歩トシテ本會議ハ鋼鉄、木材、工業用化學生產物竝
ニ農業用器具及機械ノ取換部分品ニ關シ金英聯盟ノ關係各部ニ
於ケル中央標準化機關ガ標準規格及貿易上ノ慣行ニ付一層大ナ
ル統一ヲ確保スル爲即時ノ手段ヲ執ルベキコトヲ勸告ス

(六) 航空機ノ材料及構成部分品ニ對スル共通ノ標準規格及時ニ右規
格ニ記セラルル試驗方法ヲ使用スルノ目的ヲ以テ本會議ハ金
英聯盟內ノ特ニ關係アル各部分ニ在ル國立標準化機關ガ右目的
ヲ以テ直ニ協力スベキコトヲ勸告ス

(七) 本會議ハ千九百三十年ノ帝國會議ニ依リ受諾セラレタル標準化
會議報告書ノ末項中ニ掲ゲラルル左ノ所見即チ

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「詳細ナル事項ノ日日ノ審査ヲ別トシ吾人ハ政策問題ニ関スル協議方法ニシテ本會議ノ如キ過去ノ會議又ハ臨時的會議ニ依リ與ヘラルル方法ニ比シ一層容易ナル方法ガ望マシキコトヲ痛感セリ」

ヲ了承シ

現在ノ狀態ノ下ニ於テハ全英聯盟ノ諸部分ニ於ケル中央標準化機關ノ間ニ於テ協議ヲ行フニ際シ必然的ニ起ル困難及遲滯竝ニ通信ノ主題事項ニ基因シテ屢生ズル誤解ヲ除去スル者間ノ距離及通信ノ主題事項ニ基因シテ屢生ズル誤解ヲ除去スルコトノ望マシキコトヲ痛感シタリ

本會議ハ此等ノ事項ニ關シ一層緊密ナル聯絡ヲ維持センガ爲全英聯盟ノ各部分ニ在ル中央標準化機關ガ各自ノ國ニ駐在スル對當機關ノ代表者又ハ他ノ方法ニ依リ特ニ任命セラレタル者ヲ定期又ハ臨時ニ招集スルノ權限ヲ與ヘラルベキコトヲ勸告ス

本會議ハ又全英聯盟內ノ諸政府ニ依リ帝國ノ各部分ニ駐在セシメ

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ラルル貿易官カ必要ニ應ジ右ノ目的ノ爲聯絡官トシテ行動スルニ利用シ得ベキ規定ヲ斯ル取極カ包含センコトヲ提案ス本會議ハ斯ル協議カ中央標準化機關ノ間ニ既ニ確定セラレタル直接通信ノ方法ノ純然補足的ノモノタリ且毫モ之ニ代フルコトヲ目的トスルモノニ非ザルコトヲ明瞭ナラシムルコトヲ要スト思考ス

(三)農產物ノ格付及標準

本問題ニ關スル小委員會ノ報告書ニシテ經濟的協力方法委員會ノ報告書第二附屬書トシテ掲ゲラレタルモノハ本會議ニ依リ承認セラレタリ

(四)工業上ノ協力ニ關スル決議

本會議ハ帝國內ノ工業上ノ協力ニ關スル帝國經濟委員會ノ報告書ヲ審査シ右報告書ノ趣旨ニ對シ一般的ニ同意ナルコトヲ認メタリ

右報告書ハ工業的生產ガ全英聯盟ノ比較的工業化セザル部分ニ於テモ既ニ發達シ且引續キ發達スベキコトヲ明ニセリ右發達ハ比

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敏的工業化セラレタル諸邦及然ラザル諸邦ノ經濟的構造ノ變化ヲ齎スモノナリ而シテ本會議ハ「協力ノ目的ガ變化ヲ防遏スルニ在ラズ又在ルベカラズシテ其ノ進行ヲ賢明ニ指導シ且容易ナラシムルコトニ在ラザルベカラズ」トノ委員會ノ意見ヲ了承シ之ヲ承認スルモノナリ

本會議ニ於テハ全英聯盟内ノ工業上ノ協力ノ政策ノ目的ハ生産及分配ノ最大ノ能率及節約ヲ確保スル爲全英聯盟ノ諸部分間ニ於ケル工業的活動ノ最善ノ分化及各部分ノ秩序アル經濟的發展ヲ確保スルニ在ルベキナリト認ム

何レカノ特定工業ニ於テ達成セラルベキ協力ノ正確ナル性質及範圍ハ全英聯盟ノ二以上ノ部分ニ於テ該工業ニ從事シ又ハ從事セントスル者ノ間ノ有效ナル協議ニ依リ大部分決定セラレザルベカラズトハ又本會議ノ見解ナリ

故ニ本會議ハ本目的ニ適スル狀態ノ下ニ在ル諸工業ニ對シ能フ限

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リ速ニ右協議ノ爲ノ取極ヲ爲スコトノ望マシキコトヲ勸告ス尤モ本會議ハ右協議ガ充分有效ナル爲ニハ右協議ガ全英聯盟內ノ關係各部ニ於ケル當該工業ヲ充分ニ代表スル責任アル者又ハ團體間ニ行ハルベシトノ信念ヲ記錄ニ留ムルモノナリ

本會議ハ又關係諸政府ガ一切ノ利用シ得ル方法ニ依リ右協議ヲ容易ナラシメ且援助センコトヲ勸告ス

本會議ハ又全英聯盟內ノ諸政府ガ各自ノ一般的經濟政策ヲ決定スルノ自由ヲ害スルコトナクシテ工業上ノ協力ノ原則ノ實行ヲ目的トスル提案ニシテ全英聯盟內ノ關係部分ニ於ケル同種ノ工業上ノ利益ヲ代表スル責任アル當事者ニ依リ右諸政府ニ提出セラルルコトアルベキモノニ對シ同情的考慮ヲ拂フベキコトヲ勸告ス此ノ點ニ關シ本會議ハ全英聯盟ノ他ノ部分ノ利益ニシテ右提案ニ依リ影響ヲ受クルコトアルベキモノヲ考慮スルコトノ重要ナルコトニ對シ注意ヲ喚起セントス

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㈣「フイルム」及無線通信ニ關スル決議

本會議ハ經濟的協力方法委員會ニ依リ本會議ニ提出セラレタル「フイルム」及無線通信ニ關スル報告書中ニ掲ゲラルル提議ヲ了承シ且ヲ本會議ニ代表者ヲ出セル諸政府ノ審議ノ爲呈示ス

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C E R T I F I C A T E

Statement of Source and Authenticity

I, HAYASHI, Kaoru, Chief of the Archives Section, Japanese Foreign Office, hereby certify that the document in Japanese entitled "IMPERIAL ECONOMIC CONFERENCE, AT OTTAWA, 1932." is an exact and true copy of an official translation of the Japanese Foreign Office.

Certified at Tokyo 29 October 1946.

(signed) K. Hayashi
Signature of Official

Witness : (signed) Nagaharu Odo

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U.S. Def. Doc. # 86 Not used

EXCERPT FROM NEW YORK TIMES RE:
VICHYS ATTITUDE CONCERNING INDO-CHINA.
JULY 24, 1941.

VICHY JUSTIFIES
INDO-CHINA MOVE

Says Cooperation With Japan Is Necessary for Defense of French Coloney

DENIES TOKYO PRESSURE

Trend of Paris Newspapers is Toward War Against the Democracies for Axis

By G. H. ARCHAMBAULT

Wireless to THE NEW YORK TIMES.

VICHY, France, July 24 -- Negotiations between France and Japan regarding French Indo-China were reported here officially tonight to be continuing. Their possible outcome is cooperation between French and Japanese forces for the defense of the colony, should it be attacked by British or Chinese or both.

Unaided French resistance, it is said, would be virtually out of the question, because of the small number of French troops and the impossibility of sending reinforcements or munitions.

At a press conference the official spokesman explained that the initiative for the negotiations had come from Tokyo and that the French Government conceded the "force" of Japanese reasoning—namely, that France had recognized by treaty the predominance of Japan "for the preservation of peace in Eastern Asia," and that British and Chinese concentrations of troops represented a menace.

Denies Japanese Pressure

The spokesman insisted on two other points—that there had been no pressure from Japan and no request for help from France.

Japanese Ambassador Sotomatsu Kato again conferred with Admiral Francois Darlan, Vice Premier and Foreign Minister. Messages also passed between Vichy and Hanoi, where Admiral Jean Decoux, Governor General of Indo-China, is discussing details with Major Gen. Raishiro Sumita, head of the Japanese military mission.

Beyond this, assurance was given here that there had been no developments. Nothing on Indo-China has been printed in the newspapers of the unoccupied zone beyond the fact that Admiral Decoux has received the Japanese general.

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On the other hand, the Paris press continued to discuss Indo-China at length and hailed cooperation with Japan in that colony as an earnest that "collaboration with Germany, after passing through the economic and political phases, may now reach the military stage." Marcel Deat, editor of Oeuvre, even uses the words, "indispensable brotherhood in arms with the victor of yesterday, who has now become responsible for our common destinies." He declares that this "brotherhood" was the hope entertained by reinforcement troops in France vainly awaiting transportation to Syria.

Other editors in Paris write in the same vein, deploring that the French Government failed "by its indecision" to seek means—all possible means—of preventing "Churchill's agents from holding Syrian soil, even temporarily."

In Aujourd'hui Georges Suarez says that hitherto Japan has treated French interests in Indo-China considerately, and then asks whether this attitude may not change "if Nipponese troops land in Indo-China tomorrow." He adds that the strategic value of Indo-Chinese bases is indisputable. Possession of the naval base at Cam Ranh, for instance, is held decisive for the occupant. He proceeds:

"But would Japan go no further? The only possible answer is that France, having lost the faculty of decision because of her defeat, has only one means of recovering it—namely, political collaboration with Germany. French solidarity with Germany in the continental field means German solidarity with France in all the world field."

Several Paris editors, moreover, see in the formation of a legion of French volunteers to combat bolshevism a token of eventual official participation "inthe social liberation of the European Continent." It is reported from Paris that M. Deat and four other members of the National Popular Concentration, formed in Paris in opposition to the National Concentration in Vichy, now defunct, have joined the legion, which, it is insisted, will fight in French uniforms and under the French flag. Recent report from Rome had it that the uniform would be German.

Vichy Would Avoid Precedent

VICHY, July 24 (UP)— Negotiations between France and Japan for virtually Japanese military control of South Indo-China were continued here today and it was apparent that France was striving for a formula that would not create a precedent under which Britain or the United States might demand similar rights in French colonies in Afric

France has recognized Japan's dominant position in Eastern Asia, an official spokesman said, "but this does not mean that France similarly will recognize the position of any other power concerning Frenc Africa."

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擁護國會額　八六號

印度支那に關するヴイシー政府の態度につき
ニューヨークタイムズ紙からの拔粹ー一九四一年七月二十四日

ヴイシー政府印度支那の動向を正當を認む
「日本との協同は佛國の植民地防衛上必要なり」と述べてゐる。

東京の壓迫を否認

パリー新聞の趨勢は樞軸側にくみし、民主國に對する戰爭をめざしてゐる。（アルシヤンボーより）

（ニューヨークタイムズへの無電、ヴイーシー、フランス、七月二十四日）

佛領印度支那に關するフランス及び日本間の交渉は正式に今夜も繼續せられるものと當地では報ぜられてゐる。恐らくその結果はフランスが英國又は支那又は英支兩國から攻擊を受けたる場合、その植民地防衛の爲フランス日本兩國軍間の協同作戰をとる見込である。

日本の援助なきフランスの抵抗は事實上問題にはならないであらうと言はれてゐる。それはフランス軍の兵力の少數と補强兵力或は武器增

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派の不可能によるものである。

新聞記者との會談に於て政府スポークスマンの説明によればその交渉は東京からの發議によるものにして、即ちフランスは條約により極東に於ける平和維持の爲日本の優位を認めて居り又、英支兩國の軍隊の撤中は一種の威嚇を意味するものであるとの日本の説得の「威力」にフランス政府は一歩を讓つたものであると述べてある。

日本の歪追を否認

スポークスマンは又次の二點を强調した。

卽ち、日本の歪迫は全然なかつた事及びフランスから援助の要求をなすが如き事はなかつた事との二點である。

日本大使加藤外松氏は再び副首相及び外務大臣たるフランソアダルラン海軍大將と協議した。

メツセージも又ビーシー、ハノイ間にかはされた。ハノイでは海軍大將ジヤンドクー氏（佛印總督）が陸軍少將スミタライシロウ（日本軍事使節團長）と詳細に亘り討論しつつあり、當地では此の事以上には、何等

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發展をみてゐないと保證してゐる、又印度支那に關してはドクー大將が日本軍將軍と會見したといふ事實以上には何等非占領地帶の新聞紙上にはのせられてゐない。

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一方パリーの新聞はなほも印度支那に關する詳細な論議を續け、同地に於ける日佛間の協力は獨佛間の提携を經濟的、政治的段階より更に實質的段階にまで發展せしむべき保證であるといつて歡迎してゐるクーヴル紙主筆マルセル、デアーは「吾々と共通の運命を支配するに至つた我日の勝利者との不可缺の重要的親近」と謂ふ語すら使つてゐる。彼はこの「親近」こそシヤムへの輸送を空しく佛本土に待つつある增援軍の渴望するところであるとしてゐる

パリーの他の諸紙は同樣の調子で佛領印政府はその不決斷によつてシヤの土を一時的であれナヤーナルの頭流に委ねることを防止すべき方法しかもあらゆる可能な方法を求めることをしなかつたと論じてゐる。

オージュールヂュイ紙ジョルジュ、シュアレは今までの所日本は印度支那に於ける佛領四の利害を收拾ふに平氣的であつたとし然し「日日本が佛印に上陸した時」とたほこの態度が變らぬであらうかと謂つてゐる。彼はなほ印度支那にある諸共地の戰略上の價値は幾許の餘地

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なきものでみるとなし、一例としてカムラン湾のごときはそれを占領した側を決定的に有利にするであらうとなしてゐるこた彼は断旨を進めてしかし乍して日本はそれだけで満足するであらうか、傀儡地は決定の当力を吉の政治的動向のみと謂ふのが唯一の答であらうと傀儡地が大陸政獨乙との政治的動向のみと謂ふのが唯一の答であらうと傀儡地が大陸政線にあて獨乙で協力するとは獨乙が全世界の脈絡にあて傀儡地に協力することを意味するこ」としてゐる

加之獨名のパリー諸紙等ボルシュヴイズムと闘ふ傀儡地竜兵の直面がたられたことを「敵大連の社會的解放」への終局的な公式参加のしだとしてゐるこパリーより傳へられる所によればヴイシーの國家政府（現在は存せず）に反對してパリーに作られた國家人民戰線を開するエふ、デアー外數名の議員は傀儡西軍服、傀儡西軍旗の下に闘ふべしとするに同軍團に參加したとの事であるこ最近ローマよりの報によれば獨乙軍服とをるでみらうとこ

ヴイシイ発七月二四日（UP）

ヴイシイ先例を作るを避く

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南佛印を日本實が實質上支配することに關する日佛間の協議は今日も當地で行されて居る、佛國西かこの事實が英米や阿弗利加に於ける佛領西植民地に對して同樣の權利を主張する先例とならざるやうな公式を作らうとして腐心して居るのが明にうかがわれる

佛屬西政府スポークスマンによれば、佛國西は東亞に於ける日本の支配的地位を確認した、しかしこの事實は佛國西が佛領阿弗利加に於ても他の國家同樣の地位を認めることを意味しない

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Def. Doc. #128

Translated by
Defense Language Branch

Ref

THE PRINCIPLE OF GREATER ASIA

Lecture delivered by Sun Yat-sen at the Kobe Girls' School on November 28, 1924 in behalf of the Kobe Chamber of Commerce and five other organizations

Ladies and Gentlemen: I am very deeply impressed by such a warm welcome as I have received from you today. Today you have requested me to give a lecture on what is known as Asianism. Now before I go on to speak on this subject it is necessary for us to clearly understand what sort of place our Asia is.

Our Asia is the cradle of the oldest culture; that is, as early as several thousand years ago the Asiatics had already possessed an exceedingly advanced culture while the culture of the oldest countries of Europe, such as Greece or Rome, had been transplanted there from our Asia. And our Asia has had from the days of the remote past various cultures, philosophical, religious, moral and industrial. All these cultures have proved very remarkable in the world and the newest culture of the modern world has come down from this old culture of ours. In spite of all this, the peoples and nations of our Asia have gradually been on the decline during the past several hundred years. On the contrary, European peoples have made steady progress in the meantime to grow to be powerful nations. As they grew increasingly powerful their power has gradually come to be felt in the Orient to such an extent that they might severely oppress or even destroy the peoples and nations of our Asia. Because of this continued oppression, there had been not one country in our Asia until thirty years ago which enjoyed perfect independence. If this state of oppression had continued longer, the international situation would have grown much more entangled and difficult.

We know, however, that out of the worst situation comes a peaceful reign when it comes to a head; that is, it is a long lane that has no turning. Asia experienced a turning point when its decline had reached its culmination. This turning point was nothing but the starting point of the re-building of Asia. True indeed, that Asia saw its decline once but experienced the first

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sign of its revival thirty years ago. What then is the starting point of the revival? Thirty years ago Japan succeeded in abolishing all her unequal treaties with foreign powers. This very day that Japan abolished her unequal treaties was the day signaling the revival of all Asiatic peoples. Japan became the first independent country of Asia when she abolished her unequal treaties but the other countries--China, India, Persia, Afghanistan, Arabia and Turkey were not yet independent countries--had suffered partition of their territory and were no better off than mere European colonies. Thirty years ago Japan too was regarded as one of the European colonies, but because of far-sightedness and knowledge of ups and downs of peoples and nations the Japanese nation was so greatly roused and so struggled with the Europeans that Japan was able to succeed in establishing an independent country of her own, abolishing all unequal treaties. With Japan becoming an independent country of the Far East, all peoples and nations have come to cherish great hopes for their own independence. Now that Japan has become independent, abolishing all unequal treaties, they have come to think that they might as well follow Japan's example. Thus they, summoning up their courage, started various movements for independence and there arose the conception that they should be the masters of Asia in trying to get themselves out of the European fetters, hating to remain European betters colonies. This has been a very optimistic thought in the last thirty years.

Well, let us look back on the thought that actually prevailed thirty years ago. All peoples of all Asia thought almost with resignation that they would have to remain slaves to Europe forever, being unable to extricate themselves from the oppression, because on the one hand Europe has a highly advanced culture, has made remarkable progress in science, wonderful developments in industry, in the manufacture of elaborate arms, and enjoyed a great military strength and power; and because on the other Asia has nothing in which to surpass Europe, has not power enough to resist Europe. This thought was exceedingly pessimistic. And yet Japan had successfully abolished her unequal treaties and become an independent country thirty years ago. This fact had not

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Well, let us look back on the thought that actually prevailed thirty years ago. All peoples of all Asia thought almost with resignation that they would have to remain slaves to Europe forever, being unable to extricate themselves from the oppression, because on the one hand Europe has a highly advanced culture, has made remarkable progress in science, wonderful developments in industry, in the manufacture of elaborate arms, and enjoyed a great military strength and power; and because on the other Asia has nothing in which to surpass Europe, has not power enough to resist Europe. This thought was exceedingly pessimistic. And yet Japan had successfully abolished her unequal treaties and become an independent country thirty years ago. This fact had not

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enough effect upon Asia as a whole though the reaction on the part of peoples and nations adjacent to Japan was great. That is, the Asiatic peoples as a whole were not yet impressed so deeply. But in the course of ten years there broke out the Russo-Japanese War, which resulted in Japan's victory over Russia and the Japanese nation's victory over the Russians, which was the first victory of an Asiatic people over the Europeans in the past several hundred years. This victory of Japan's had a great effect on entire Asia, and all the Asiatic peoples were very exultant and have come to cherish very great hopes. I wish to make mention, by way of illustration, of what I myself actually observed. I happened to be in Europe in the year when the Russo-Japanese War broke out. One day we learned that Admiral TOGO had defeated the Russian Navy, that is, the Russian fleet which Russia had despatched anew from the European base to reach Vladivostok had been annihilated in the Japan Sea. When this news spread over Europe all people in Europe were in great sorrow and mournod as if they had been deprived of their parents. Britain was then in alliance with Japan but the great number of people who knew the situation all frowned and said that such a great victory as won by the Japanese would never mean a blessing to the white people. This is exactly what the English saying means: "Blood is thicker than water". Again, a little later, on my way back to Asia when I passed the Suez Canal many natives--they were Arabs--looked exceedingly jubilant to see I was a member of a colored race and came up to me and asked if I was a Japanese. Answering in the negative, I told them I was a Chinese, and asked if anything had happened and why they were so jubilant. Their reply was thus: "We have very happy news. The Japanese, we heard, had destroyed the entire fleet Russia had despatched anew from Europe. Is this news true? We saw from both banks of the Canal that every and all ships passing were hurrying through to Europe with Russian wounded on board. We think this simply shows the Russians were badly defeated. In the past the colored races of East Asia were all in distress under the oppression of Western races with no hopes for the future. This victory of Japan over the Russians means that the Eastern races have beaten the Western races. The Japanese have won the war. So

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Ever since Japan's victory over Russia the peoples of all Asia have started many independence movements here and there, expecting to crush out Europe. For instance, Egypt, Persia, Turkey, Afghanistan, Arabia have started movements for independence in succession and the Indians too have followed their neighbors' example. That is, the Asiatic peoples have come to cherish great hopes for independence as a result of Japan's victory over Russia. It was only twenty years ago that these hopes came to the front but Egypt, Turkey, Persia, Afghanistan and Arabia have succeeded in rapid succession in establishing their independence. It is still more noteworthy that the Indian independence movement too has gradually come to make steady progress. This fact of their restoration of independence shows that the racial thought in Asia has taken long strides in recent years. When this thought progress has reached its culmination, all the Asiatic peoples will easily unite themselves and stand up as one. It will be then and then only that the independence movements of all the Asiatic peoples can succeed. In recent years the peoples in Western Asia have been on very friendly terms with each other, with exceedingly sincere feelings toward each other, so will they be able to unite themselves into one. The two great peoples in Eastern Asia are China and Japan. China and Japan are the motive power for those movements, and yet these two have taken an indifferent attitude toward each other, failing to get united as they ought to. There will sooner or later be a time when all peoples in Eastern Asia also will wish to get united together. The time is ripening for the peoples of the East,

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West, and the South to cooperate with one another so that the independence of the Asiatic peoples may be realized and the position that Asia occupied in the past may be regained.

The people of Europe and America know this tendency very well. To give an example, a certain American scholar published a book in which he discusses the rise of the colored races. The content of the book clarifies that Japan's victory over Russia means the colored races' defeat of the white. In the future when this phenomenon assumes serious dimensions there will be a possible danger that the white races will have a very hard time because all the colored races will get united against the white. The white people need now to be prepared for this before it is too late. Later, he wrote another book to contend that any and every race emancipation movement is against culture. According to this author, we must say that race emancipation movements in Asia as well as in Europe are all against culture. Such a view is shared by members of all the privileged classes in Europe, where the minority oppresses the majority within and without their national boundaries, and now they are trying to make slaves of the 900,000,000 people for themselves through oppression. They are already reaching out a sinister hand into Asia. This is a brutality indeed. We could not hate them too much. Judging from the contention of this American scholar that the awakening of the Asiatic peoples is against the world's culture, the Europeans consider themselves as the only rightful heirs to culture and pretend to be the masters of culture, believing that culture will never originate anywhere outside Europe and that independence trends are against culture, and therefore European culture is in accord with justice and humanity while Asiatic culture is not. As for the status of culture in the last one hundred years, European material civilization has greatly advanced as never elsewhere while our Oriental civilization has not shown a great advance at all. So if compared only superficially, Europe is ahead of Asia, but if closely analyzed, what has been their so-called culture in the last one hundred years? Their civilization means scientific culture and utilitarian culture. This culture when applied to human society is material civilization. By material civilization is meant airplanes and bombs, rifles and cannon--a kind of military

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culture. In recent years we Asiatics can hardly make progress because the Europeans are oppressing us solely with this military culture of theirs. European culture is that which oppresses people with military power, and this way of oppressing people with military power is expressed as "Hadō" in old Chinese, or rule of might, so European culture is the culture representing Hadō. In the Orient, however, we have long despised this Hadō culture, and we have another kind of culture that avoids Hadō culture. The essence of this culture is humanity and justice. This culture of humanity and justice will only influence people but never oppress them; it will make people virtuous but never inspire fear in them. Such virtue-inspiring culture is called Ōdō in old Chinese, or rule of right. So Asiatic culture is the culture of Ōdō. With the development of material civilization and with the prevelence of rule of might in Europe the various countries of the world have seen a daily decline of morality. Even in Asia there have been a considerable number of countries which saw a serious decline in their morality. But in recent years some of the scholars in Europe and America interested in Oriental culture at all, have gradually come to appreciate that Oriental morality is far higher than Western morality, while Oriental material civilization is behind that of the Occident.

As to which is more advantageous after all for the promotion of justice and humanity, Ōdō culture or Hadō; or which will prove more advantageous for peoples and nations, you must have clearly seen. Here, by way of illustration, I will briefly dwell on this point. During the period of over one thousand years between 2000 years ago and 500 years ago, China was the most powerful country of the world, occupying just the same position of present-day Britain or America. Britain and America are at present powers but China in those former days was the only power. Well then, what kind of attitude did China assume toward the weaker minor peoples and countries in those days? And how did those weaker minor peoples and countries conduct themselves toward China? Those weaker minor peoples and countries, desiring to regard China as their suzerain and offer a tribute to her, all wished to be her feudal clans, regarding it an honor to offer tribute to her and considering it a

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shame not to be able to do so. The tributary countries of China then comprised not only those of Asia but also those in western Europe, which used to come a long distance to offer tribute to her. How did China at that time conduct herself in regard to the tributes of those many countries and distant peoples? Did she compel the tribute to be paid by dint of military and naval power--Hadō. No, never--China simply resorted to Ōdō, or rule of right, in exerting influence over them. They in turn appreciated China's virtue and desired to offer a tribute to her contentedly. Once they had come under the benevolent influence of her Ōdō they not only offered their tribute in their own generation but wished to continue to do so all through posterity. There are some instances even in recent years exemplifying this truth. For example, there are two small countries in northern India, one being Bhutan and the other Nepal. These two are small countries, but these peoples, being very strong and very fearless, fight most gallantly. Of the two, the people of Nepal are especially brave--so brave that Britain in governing India has decided to raise soldiers from among them, which Britain is using as tools in keeping India under her rule. Again Britain actually has power enough to destroy India, to make it her colony but can not easily behave so toward Nepal. Besides, she annually sends a great amount of money as a subsidy, and has only a number of officials stationed for political inspection there. Britain, being the most powerful country in the world today, still takes such a generous attitude toward Nepal. So Nepal may be said to be a strong country in Asia. What is the position now taken by Nepal toward Britain at present? She never offers a tribute to her, but rather takes a subsidy from Britain. China's international position is at present so low that she stands even below a British colony, and yet Nepal regards China as her suzerain even today, in spite of the great distance with the wide territory of Thibet in between; that is, as late as the first year of the Republic of China she came over by way of Thibet to pay tribute to China, but because of the traffic difficulty along the frontier she has ceased to bring tribute ever since. Thus Nepal takes an attitude toward Britain different from that taken toward China. Gentlemen! Don't you think this is strange? The mere contrast between these two

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different attitudes taken by Nepal toward China and Britain will illustrate the contrast between Eastern civilization represented by China and Western culture represented by Britain. Indeed China has declined in the last several hundred years but her culture is still in existence. So Nepal is still admiring China as her suzerain. On the contrary, Britain has now grown exceedingly strong and great, with an excellent material civilization and yet Nepal is paying no attention to this. You will know from this fact that Nepal has favorably been influenced by China, that Chinese culture is a true one and Britain's material civilization is no culture but is regarded as rule of might.

Now what I have thus far said in regard to the Greater Asia principle may briefly be summed up as the problem of culture. That is, we are to compare and contrast Eastern culture and Western. Eastern culture is Ōdō, or rule of right, and Western culture is Hadō, or rule of might. Ōdō upholds humanity and justice as morality while Hadō aims at coersion based on utilitarianism. Humanity and justice as morality will influence people by justice and truth while coersion based on utilitarianism will oppress people with rifles and cannon. From the fact that Nepal is still wishing for Chinese influence and willing to pay respect to China as her suzerain, it is evident that countries favorably influenced will never forget their suzerain even after a period of several hundred years when their suzerain has declined. On the contrary, oppressed countries will always try to sever themselves from the oppressing country however strong and prosperous the latter may be at present. This truth is shown in the relations in which Egypt and India stand toward Britain. It is true that Britain has conquered Egypt and destroyed India and she is exceedingly strong and prosperous at present, but Egypt and India are always trying to sever themselves from Britain. It is because of this that there are many independence movements started in those countries. But because of strong military oppression the independence movements are not likely to succeed so soon. But once Britain should decline, Egypt and India will restore their independent position in less than five years, immediately expelling British influence out of their territory. By

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different attitudes taken by Nepal toward China and Britain will illustrate the contrast between Eastern civilization represented by China and Western culture represented by Britain. Indeed China has declined in the last several hundred years but her culture is still in existence. So Nepal is still admiring China as her suzerain. On the contrary, Britain has now grown exceedingly strong and great, with an excellent material civilization and yet Nepal is paying no attention to this. You will know from this fact that Nepal has favorably been influenced by China, that Chinese culture is a true one and Britain's material civilization is no culture but is regarded as rule of might.

Now what I have thus far said in regard to the Greater Asia principle may briefly be summed up as the problem of culture. That is, we are to compare and contrast Eastern culture and Western. Eastern culture is Ōdō, or rule of right, and Western culture is Hadō, or rule of might. Ōdō upholds humanity and justice as morality while Hadō aims at coersion based on utilitarianism. Humanity and justice as morality will influence people by justice and truth while coersion based on utilitarianism will oppress people with rifles and cannon. From the fact that Nepal is still wishing for Chinese influence and willing to pay respect to China as her suzerain, it is evident that countries favorably influenced will never forget their suzerain even after a period of several hundred years when their suzerain has declined. On the contrary, oppressed countries will always try to sever themselves from the oppressing country however strong and prosperous the latter may be at present. This truth is shown in the relations in which Egypt and India stand toward Britain. It is true that Britain has conquered Egypt and destroyed India and she is exceedingly strong and prosperous at present, but Egypt and India are always trying to sever themselves from Britain. It is because of this that there are many independence movements started in those countries. But because of strong military oppression the independence movements are not likely to succeed so soon. But once Britain should decline, Egypt and India will restore their independent position in less than five years, immediately expelling British influence out of their territory. By

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so saying, you will know the merits and demerits of Eastern and Western culture. When we stand in such a world as this, what should be the basis on which our Greater Asia principle should be realized? Our own native culture should be the basis. By our own native culture is meant humanity and justice as morality. Humanity and justice as morality and this alone is the right kind of basis for our Greater Asia principle. Why are we trying to learn the sciences of Europe in spite of our possession of such a background? That is only because we wish to develop industry and improve weapons In learning from Europe we do not mean to follow its examples of destroying other countries or oppressing other peoples. We simply learn for our own self-defense.

Of all Asiatic countries Japan is the only country in recent years that has learned military culture from Europe and succeeded in making it her own. Japan today need not necessarily depend on Europeans in regard to the construction and maneuvering of warships, and she is also independent in regard to the organization and operation of armies. Thus Japan is indeed one true independent country in the Far East. Here in Asia there is at present one true independent country though during the Great War she was on the side of the Entente Powers and experienced calamities with the defeat. This country is no other than Turkey. At present there are only two independent countries in Asia, one being Japan in the east and the other Turkey in the west. Japan and Turkey are two great walls in the east and west in Asia. Besides, Persia, Afghanistan and Arabia have now come to possess military power by learning from Europe and the Europeans do not dare to despise these peoples. As for Nepal, the English powerful as they are do not look down upon her. They now posses strong military power. China will prove a great force once she is well united since she has a great number of military forces at present. In order to expound the Greater Asia principle with success and restore their old position for the Asiatic peoples, it is necessary for us to unite all peoples in all parts of Asia on the basis of humanity and justice as morality so that they will eventually grow into a great force.

This, however, we must seriously remember. As for the Europeans, it would be quite impossible for us to influence them

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by merely expounding humanity and justice or to demand the return of rights and concessions successfully, by resorting to amicable means. It is as if one should try to feed a tiger in order to get its fur. So if we are to get all our rights completely returned, we must appeal to military force. Well, as for military force, Japan has had a perfectly strong military force from very early days, and Turkey, too, has come to possess a strong military force in recent years. The peoples of Persia, Afghanistan and Arabia have always been strong fighters. The 400,000,000 Chinese are naturally peace-loving people but when confronted with a life-and-death struggle will show great military force. If all Asiatic peoples are united in fighting the Europeans with their natural military force, surely we shall win and never be defeated. Moreover let us compare the populations of Europe and Asia. China has 400,000,000; India 350,000,000; Burma and Annam have scores of millions together; Japan alone has scores of millions; and the rest of minor peoples will number as many as Japan. So all the people of all Asia number more than one-half of the population of the whole world while those of Europe are barely 400,000,000. And our entire population is 900,000,000. It is contradictory to justice and humanity and therefore sure to fail in the end that the 400,000,000 should oppress the 900,000,000. In recent years, however, we come across some influenced by us among those 400,000,000. Just look at the present trend of culture in the world. In Britain and America, for instance, there have begun to appear those who advocate humanity and justice as morality though they are small in number as yet. In the rest of the barbarian countries, too, there is a similar phenomenon. This fact tells that Western culture of coersion based on utilitarianism is beginning to yield to Eastern culture based on humanity and justice as morality, and it is also a proof that Hadō is going to yield to Ōdō; thus we can say that world culture is from day to day advancing toward the light.

At present in Europe there is one country which is universally despised, regarded as a poisonous snake or a ferocious animal, not as a human race, and never approached, by all the European whites. In Asia too there are a good number of people with a similar view

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of that country. What country can it be? That is Russia. Russia is now going to be a branch family of the family group of European whites. Why is Russia in such a status? That's simply because she upholds Odo, or rule of right, not Hado, or rule of might, expounds humanity and justice, not utilitarian coersion, supports the path of justice to her best ability, and does not approve of the oppression of the majority by the minority. The new culture of Russia has much in common with our traditional Eastern culture and the Russians are going to grasp our hand and set up a branch family independent of the European group of families. The Europeans are bringing a false charge against Russia as a traitor of the world because they know that the new principle of Russia does not agree with their contention, that the success of Russia's principle means the failure of their Hado. In so doing, they knowingly try to take no notice of the fact that Russia is a country pursuing the path of humanity and justice.

Finally, we come to the very problem we are trying to solve; that is, how can the oppressed Asiatic peoples successfully resist the strong and prosperous peoples of Europe--or more briefly, how to remove inequality imposed upon the oppressed peoples. Oppressed peoples are found not only in Asia but also in Europe. Countries of rule of might oppress not only people in another continent and country but also in their own Continent and territory. When I said our Greater Asia principle should be based on Odo, I meant to insist that all these unequal discriminations should be removed. An American scholar contends that all movements for peoples' emancipation go against culture, so we can say that the culture we advocate aims at abolishing inequality and therefore it contradicts Hado culture and seeks equality and emancipation for the people. Japan on the one hand has already made the Hado culture of Europe and America her own, and on the other she is in possession of the essence of the Odo culture of Asia. Whether Japan will turn out in the future a tool of western Hado or the defender of Eastern Odo--this should be seriously considered by the Japanese people.

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大亜細亜主義

（孫文氏ガ民國十三年十一月二十八日神戸高等女學校ニ於テ神戸商業會議所外五團体ニ對シテナシタル講演）

諸君、私ハ本日諸君ヨリ斯クノ如キ熱誠ナル歓迎ヲ受ケマシテ實ニ感激ニ堪エマセン。本日ハ皆様ヨリ亜細亜主義ト云フコトニ付テ、私ニ講演シロト云フ御話デアリマシタ。所デ此ノ問題ニ付テ講演スルニハ、我亜細亜トハドンナ所デアルカヲ先ヅハツキリサセテ置カナケレバナリマセン。

我亜細亜ハ最モ古イ文化ノ發祥地デアリマス。即チ數千年以前ニ於テ既ニ我亜細亜人ハ非常ニ高イ文化ヲ持ツテ居タノデアリマシテ、歐洲最古ノ國家例ヘバ希臘、羅馬等ノ如キ古イ國ノ文化ハ何レモ我亜細亜ヨリ傳ツタモノデアリマス。又我亜細亜ハ昔ヨリ哲學ノ文化、宗教ノ文化、倫理ノ文化及工業ノ文化ヲ持ツテ居マシタ。之等ノ文化ハ何レモ古ヨリ世界デ非常ニ有名デアツタノデアリマシテ、現在世界ノ最モ新シイ文化ハ何レモ我々ノ此古イ文化ヨリ發生シタノデアリマス。然ルニ近數百年來我亜細亜ノ民族ハ漸次萎靡シ、國家ハ次第ニ衰微シテ來マシタ。一方歐洲ノ民

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族ハ漸次發展シ、國家ハ次第ニ強大トナツテ來タノデアリマス。
歐洲ノ民族ガ發展シ國家ガ強大トナルニ伴レ、彼等ノ勢力ハ次第
々々ニ東洋ニ侵入シ、我亞細亞ノ民族及國家ヲ漸次滅亡セシムル
ニ非ズンバ壓倒セントスル勢トナツタノデアリマス。此ノ勢ガズ
ツト續イタ爲、三十年以前迄ハ我亞細亞ニハ一國トシテ完全ナル
獨立國家ハ無カツタノデアリマス。此ノ勢ガ更ニ續イタナラバ國
際關係ハ益々面倒トナツタデアリマセウ。

然シ乍ラ吾輩ノ運命ヲ極點ニ達スレバ泰平トナリ、物極マレバ
必ズ通ズルノデアリマシテ、亞細亞ノ衰微ガ斯クノ如ク極點ニ達
シマシタ時、ソコニ一個ノ轉換機ガ發生シマシタ。其ノ轉換機コ
ソ卽チ亞細亞復興ノ起點ヲナスモノデアリマシタ。亞細亞ハ一度
ハ衰微シマシタガ、三十年前ニ再ビ復興シ來ツタノデアリマス。
然ラバ此ノ復興ノ起點ハ一體何處ニ在リマシタカト云フニ、夫レ
ハ卽チ、日本ガ三十年前ニ、外國ト締結シマシタ一切ノ不平等條
約ヲ撤廢シマシタコトデアリマス。日本ノ不平等條約撤廢ノ其ノ

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日コソ、我亜細亜全民族復興ノ日デアツタノデアリマス。日本ハ不平等條約ヲ撤廢シマシタノデ、遂ニ亜細亜ニ於ケル最初ノ獨立國家トナツタノデアリマスガ、當時其ノ他ノ國家、則チ中國、印度、波斯、「アフガニスタン」、「アラビヤ」及土耳古等ハ何レモ未ダ獨立ノ國家デハナク、歐洲ヨリ勝手ニ領土ヲ割カレ、歐洲ノ殖民地トナツテ居タノデアリマス。三十年前ニ於テハ日本モ亦歐洲ノ殖民地ト目サレテ居タノデアリマスガ、日本ノ國民ハ先見ノ明ガアリ、民族ト國家トノ榮枯盛衰ノ關係ヲ知ツテ居マシタノデ、大イニ發奮シテ歐洲人ト闘ヒ、凡ユル不平等條約ヲ廢除シ、遂ニ獨立國ト爲ツタノデアリマス。日本ガ東亜ニ於ケル獨立國トナリマシテカラハ、亜細亜全體ノ國家及民族ハ、獨立ニ對シ大ナル希望ヲ抱イテ來タノデアリマス。卽チ、日本デサヘ不平等條約ヲ廢棄シテ獨立シタノデアルカラ、吾々モ當然日本ニ做ハネバナラナイト云フ考ヲ持ツヤウニナリマシタ。之レヨリ勇氣ヲ出シテ種々ノ獨立運動ヲ起シ、歐洲人ノ束縛ヨリ離脫セントシ、歐洲ノ

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殖民地タルヲ欲セズ、亜細亜ノ主人公トナラウト云フ思想ガ生レタノデアリマス。之ハ最近三十年來ノ考デ、極メテ樂觀的ノ思想デアリマシタ。

三十年以前ニ於キマシテハ、我亜細亜全體ノ民族ハ、歐洲ハ非常ニ進歩シタ文化ヲ有シ、科學モ非常ニ進歩シ、工業モ非常ニ發達シテ居リ、武器ハ精巧デアリ、兵力ハ強大デアル。然ルニ我亜細亜ハ歐洲ニ長ジテ居ルモノハ一ツモ無イ、亜細亜ハ歐洲ニ到底抵抗出來ナイ、歐洲ノ壓迫ヨリ脫出スルコトモ到底出來ナイ、永久ニ歐洲ノ奴隷トナラナケレバナラナイダロウト云フ風ニ考ヘテ居タノデアリマス。卽チ非常ニ悲觀的ノ思想デアツタノデアリマス。然ルニ三十年前日本ハ不平等條約ヲ廢除シテ獨立國トナリマシタ。然シ夫レハ日本ト非常ニ接近シテ居ル民族、國家ニハ大ナル影響ヲ與ヘマシタモノノ、當時ハ未ダ亜細亜全體ニハ充分ノ反響ハ無カツタノデアリマス。卽チ亜細亜民族ハ全體的ニハ夫レ程大ナル感動ヲ受ケナカツタノデアリマス。然シ乍ラ夫レヨリ十

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年ヲ過ギテ日露戦争ガ起リ、其ノ結果日本ガ露國ニ勝チ日本人ガ露西亜人ニ勝ツタ。之ハ最近数百年間ニ於ケル亜細亜民族ノ歐洲人ニ對スル最初ノ勝利デアツタノデアリマス。此ノ日本ノ勝利ハ全亜細亜ニ影響ヲ及ボシ、亜細亜全體ノ民族ハ非常ニ歓喜シ、ソシテ極メテ大ナル希望ヲ抱クニ至ツタノデアリマス。此ノ事ニ付テ私ガ親シク見マシタ事ヲ御話シ申上ゲマセウ。日露戦争ノ開始サレマシタ年、私ハ丁度歐洲ニ居リマシタガ、或ル日東郷大将ガ露國ノ海軍ヲ敗ツタ、露西亜ガ新ニ歐洲ヨリ増援ニ派遣シタ艦隊ハ、日本海ニ於テ全滅サレタト云フコトヲ聞キマシタ。此ノ報道ガ歐洲ニ傳ハルヤ、全歐洲ノ人民ハ恰モ父母ヲ失ツタ如クニ悲ミ憂ヘタノデアリマス。英國ハ日本ト同盟國デアリマシタガ、此ノ消息ヲ知ツタ大多数ハ何レモ眉ヲ顰メ日本ガ斯クノ如キ大勝利ヲ博シタコトハ決シテ白人種ノ幸福ヲ意味スルモノデハナイト思ツタノデアリマス。之ハ正ニ英語デ Blood is thicker than water ト云フ觀念デアリマス。暫クシテ私ハ帰テ亜細亜ニ帰ルコトニ

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リ、「スエズ」運河ヲ通リマス時ニ、澤山ノ土人ガ、其ノ土人ハ「アラビヤ」人デアリマシタガ、私ガ黄色人種デアリマスノヲ見テ非常ニ喜ビ勇ンダ様子デ私ニ「オ前ハ日本人カ」ト問ヒカケマシタ。私ハ「ソウデハナイ、私ハ中國人ダ。何カ有ッタノカ、ドウシテソンナニ喜ンデ居ルノカ」ト問ヒマシタ所ガ、彼等ノ答ハ「俺達ハ今度非常ニ喜バシイ「ニュース」ヲ得タ。何デモ日本ハ歐西亜ガ訪ニ欧洲ヨリ派遣シタ海軍ヲ全滅サセタト云フコトヲ聞イタ。此ノ話ハ本當カ。俺達ハ此ノ運河ノ両側ニ居テ、歐西亜ノ負傷兵ガ船毎ニ欧洲ニ送還サレテ行クノヲ見タ。之ハ必定歐西亜ノ大敗シタ證據ダト思フ。以前ハ吾々東亜ノ有色人種ハ、何レモ西方民族ノ壓迫ヲ受ケ苦痛ヲ嘗メテ居テ、全ク浮ブ瀬ガ無カッタダガ、此ノ度日本ガ歐西亜ニ勝ツト云フコトハ東方民族ガ西方民族ヲ打敗ツタコトニナル。日本人ハ戰爭ニ勝ツタ。吾々モ同樣ニ勝タナケレバナラナイコトデハナイカ。ダカラ吾々ハコンナニ喜ンデ居ルノダ」ト云フコト

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デアツタ。之ヲ見マシテモ日本ガ露國ヲ打敗ツタコトハ、亜細亜民族全體ニ如何ニ大ナル影響ヲ與ヘタカト云フコトガ偲ブル。日本ガ露西亜ヲ敗ツタト云フコトハ、東方ニ居タ亜細亜人ハ、或ハ余リ重要視シナカツタカモ知レナイガ、西方ニ居タ亜細亜人及欧洲ニ近接シテ居タ亜細亜人ハ、常ニ欧洲人カラ壓迫ヲ受ケテ終日苦痛ヲ嘗メ、而モ彼等ノ受ケル壓迫ハ、東方ニ居ル亜細亜人ヨリモ更ニ大デアリ、其ノ苦痛ハ更ニ深刻デアツタ爲ニ、彼等ガ此ノ戰勝ノ報道ヲ聞イテ喜ンダコトハ、我々東方人ヨリモ一層大キカツタノデアリマス。

日本ガ露西西ニ勝ツテカラハ、亜細亜全體ノ民族ハ、欧洲ヲ打破ラウト考ヘ、盛ニ獨立運動ヲ起シマシタ。即チ埃及、波斯、土耳古、「アフガニスタン」、「アラビヤ」等ガ相繼イデ獨立運動ヲ起シ、續テ印度人モ獨立運動ヲ起ス樣ニナリマシタ。即チ日本ガ露國ニ勝ツタ結果、亜細亜民族ガ獨立ニ對スル大ナル希望ヲ抱クニ至ツタノデアリマス。此ノ希望ガ生レテカラ今日迄二十年ニ

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過ギマセンガ、埃及、土耳古、波斯、「アフガニスタン」及「アラビヤ」等ノ獨立ガ相繼イデ實現シタ許リデナク、印度ノ獨立運動モ亦漸次發展シテ參リマシタ。之等ノ獨立ノ事實ハ、亜細亜ノ民族思想ガ最近進歩シテ來タコトヲ示スモノデアリマス。此ノ思想ノ進歩ガ極點ニ達シタ時、亜細亜全民族ハ容易ニ聯合シテ起ツコトガ出來、其ノ時コソ亜細亜全民族ノ獨立運動ハ成功スルノデアリマス。亜細亜ノ西部ニ居ル各民族ハ、近來相互ニ非常ニ親密ナ交際ヲ續ケ、又非常ニ眞面目ナ態情ヲ持ツ樣ニナツテ來マシタカラ、彼等ハ容易ニ聯合出來ルノデアリマス。亜細亜東部ノ最大ノ民族ハ中國ト日本トデアリマス。中國ト日本トハ、斯ル運動ノ原動力ヲナスモノデアリマスガ、此ノ頃デハ兩國トモ互ニ我不關焉ノ態度ヲ採ツテ居ル爲、今尙十分ナル聯絡ガ取レテ居ナイノデアリマス。然シ乍ラ將來我々亜細亜ノ東部ニ居リマス各民族ニモ必ズ聯絡シヨウトスル氣運ガ動イテ參リマセウ。此ノ東西南部ノ民族ガ、相互ニ提携シヨウトスル趨勢ヲ作ラントスル所以ハ、實

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ニ亜細亜民族ノ獨立ヲ實現センガ爲デアリ、吾々亜細亜ガ從來持ツテ居タ地位ヲ恢復センガ爲デアリマス。

歐米人ハ斯ル趨勢ヲ十分ニ知ツテ居リマス。ダカラ米國ノ或ル學者ノ如キハ曾テ一册ノ本ヲ著ハシテ有色人種ノ興起ヲ論ジタコトガアリマス。其ノ本ノ内容ハ日本ガ露國ニ勝ツタコトハ、黄色人種ガ白色人種ヲ打敗ツタ事デアル。將來此ノ現象ガ擴大サレタナラバ、有色人種ハ何レモ聯合シテ白色人種ニ刃向ヒ來リ、之ガ爲ニ酷イ目ニ遭ハサレルデアラウカラ、白人ハ深メ注意シナケレバナラヌト云フ意味ノモノデアリマス。彼ハ後ニ更ニ一册ノ本ヲ著シ、一切ノ民族解放運動ハ、凡ベテ文化ニ背反スル運動デアルト言ツテ居リマス。彼ノ主張ニ依レバ、歐洲ニ於ケル民族解放運動ハ固ヨリ、亜細亜ノ民族解放運動モ亦文化ニ背反シテ居ルト云ハネバナリマセン。斯ル思想ハ歐洲ニ於ケル一切ノ特殊階級ノ人々ガ、何レモ同ジク抱イテ居ル所ノモノデ、彼等ハ少數ノ人ヲ以テ歐洲及自國内ノ多數ノ人々ヲ壓制シテ居リ、更ニ其ノ毒牙ヲ

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亜細亜ニ迄振張シ、我九億ノ民族ヲ圧迫シテ、彼等少数人ノ奴隷トナサントシテ居ルノデアリマス。之レ實ニ惨憺極マルモノデアリ、憎ンデモ尚餘リ有ルモノデアリマス。而シテ此ノ米國ノ學者ガ、亜細亜民族ノ覺醒ヲ世界ノ文化ニ對スル脅威デアルト言ツテキル所カラ見マスレバ、欧洲人ハ自ラ文化ノ主人公ヲ氣取ツテ居リ、從ツテ欧洲以外ニ文化ガ發生シ、獨立思想ガ起ルコトヲ文化ノ脅威ト爲シテ居ルノデアリマス故ニ彼等ハ欧洲ノ文化ハ正義人道ニ合致スルモノデアリ、亜細亜ノ文化ハ正義人道ニ合致シナイモノデアルト考ヘテ居ルノデアリマス。最近數百年ノ文化ノ狀態ニ付テ見マスレバ、欧洲ノ物質文明ハ極度ニ發達シテ居リ、我東洋ノ文明ハ何等大ナル進歩ヲ示シテ居リマセン。從ツテ之ヲ單ニ表面的ニ比較致シマスレバ欧洲ハ東洋ニ優ツテ居リマス。然シ根本的ニ之ヲ解剖シマスレバ、欧洲ニ於ケル最近百年來ノ文化ハ如何ナルモノデアリマセウカ。彼等ノ文明ハ科學ノ文化デアリ、功利主義ノ文化デアルノデアリマス

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此ノ文化ヲ人類社會ニ用ヒタモノガ卽チ物質文明デアリマス。物質文明ハ飛行機爆彈デアリ、小銃大砲デアッテ、一種ノ武力文化デアリマス。歐洲人ガ最近ヨリ此ノ武力ノ文化ヲ以テ我亜細亜ヲ壓迫シテ居ル爲、我亜細亜ハ進歩出來ナイノデアリマス、歐洲ノ文化ハ武力ヲ以テ人ヲ壓迫スル所ノ文化デアリマシテ、此ノ武力ヲ以テ人ヲ壓迫スルコトヲ中國ノ古語デハ覇道ヲ行フト言ヒマス故ニ歐洲ノ文化ハ覇道ノ文化デアリマス。然ルニ我東洋ニ於キマシテハ從來覇道文化ニ反ッタ所ノ一種ノ文化ガ存在シテ居ルノデアリマス。此ノ文化ノ本質ハ仁義道徳デアリマス。此ノ仁義道徳ノ文化ハ、人ヲ感化スルモノデアッテ、人ヲ壓迫スルモノデハアリマセン、又人ニ徳ヲ抱カセルモノデアッテ、人ニ畏レヲ抱カセルモノデハアリマセン。新ル人ニ徳ヲ抱カセル文化ハ我中國ノ古語デハ之ヲ王道ト云ッテ居リマス。故ニ亜細亜ノ文化ハ王道ノ文化デアルノデアリマス。以テ物質文化ガ發達シ、武道ガ益ニ行ハレマシテカラハ、世界各國ノ道徳

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ハ日々退歩シ、ノミナラズ亜細亜ニ於テモ亦、道徳ノ非常ニ退歩シテ来タ國ガ可成リ出来テ来マシタ。然シ近来欧米ノ学者ノ中デ東洋文化ニ多少ナリトモ注意シテ居ル者ハ、東洋ノ物質文明ニハ及バナイガ、東洋ノ道徳ハ、西洋ノ道徳ヨリ遙カニ高イト云フ事ヲ段次諒解スル機ニナッテ来マシタ。

王道ノ文化ト王道ノ文化トハ結局何レガ正義人道ニ有益デアルカト云フコトハ、貴君自ラ諒カ、何レガ民族及國家ニ有益デアルカヲ、之ニ付テ私ハ此處ニ一ツノ例ヲ挙ゲテ説明申上ゲマセウ。今ヨリ五百年以前ヨリ二千年前迄一千年餘ノ期間ガアリマスガ、此ノ間中國ハ世界ニ於ケル最强ノ國家デアリマシテ、丁度現在ノ英國及米國ト同様ノ地位ニ在リマシタ。英國モ米國モ現在ノ國勢ハ列强デアリマスガ、中ニノ昔ノ强盛ハ到底デアリマス。然シ乍ラ彼ノ强時代ノ中國ハ、周小民族及周小國家ニ對シ如何ナル態度ヲ執ッタデアリマセウカ。又當時ノ周小民族、周小國家ハ中國ニ對シ如何ナル態度ヲ執リマシタ

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デセウカ。當時ノ周小民族及國家ヘ、何レモ中國ヲ宗主國トナシ中國ニ朝貢セントスルモノハ中國ノ屬邦タランコトヲ欲シ、中國ニ朝貢スルコトヲ以テ光榮トシ、朝貢出來ナイコトヲ恥辱トシテ居タ有樣デアツタノデアリマス。當時中國ニ朝貢シテ居タ國ヘ、亞細亞各國ノミナラズ、歐洲西方ノ各國迄、遠路ヲ厭ハズ朝貢シテ居タノデアリマス。當時ノ中國ハ之等多數ノ國家、遠方ノ民族ノ朝貢ニ對シ如何ナル方法ヲ用ニタデアリマセウカ。陸海軍ノ兩道ヲ用ヒテ彼等ヲ强制シタデセウカ。否ー中國ハ完全ニ王道ヲ成ジ、甘ンジテ其ノ朝貢ヲ希ツタノデアリマス。彼等ハ中國ニ對シテ德ノ國ノ王道ノ感化ヲ受クルヤ、一度中國ニ朝貢シタノミナラズ、子々孫々迄中國ニ朝貢セントシタノデアリマス。之等ノ事實ヘ最近ニ至ツテモ尙證據ガ有ルノデアリマス。例ヘバ印度ノ北方ニ二ツノ小國ガ有リマス。一ツハ「ブータン」デアリ、他ヘ「ネパール」デアリマス。此ノ二ツノ國ハ小國デハアリマスガ、其ノ民族ハ非

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常ニ強ク、又非常ニ勇悍デ勇敢ニ戰ヒマス。中デモ「ネパール」ノ民族ハ殊ニ勇敢デアリマシテ、現ニ英國ハ印度ヲ治メルニ當リ常ニ「ネパール」民族ヲ兵士ニ採用シテ、印度ヲ服從セシメテ居ル位デアリマス。又英國ハ印度ヲ滅シテ之ヲ殖民地トシタ程ノ力ガ有リ乍ラ「ネパール」ニ對シテハ容易ニ斯ル態度ヲ執リ得ズ、毎年多額ノ補助金ヲ送リ、只政治監察ノ官吏ヲ駐在セシメテ居ルニ過ギナイノデアリマス。英國ノ如キ現在世界ニ於ケル最強ノ國家ガ、尚且「ネパール」ニ對シテ斯クノ如ク懇懃ナ態度ヲ執ツテ居ルノデアリマス。故ニ「ネパール」モ亦亞細亞ニ於ケル一ノ强國デアルト言ヘマセウ。然ルニ此ノ「ネパール」ガ現在英國ニ對シテ如何ナル態度ヲ執ツテ居ルカナク、却テ英國カラ補助ヲ受ケテ居ルノデアリマス。然ルニ「ネパール」ハ中國ニ對シテハ如何ナル態度ヲ執ツテ居ルカ。中國ノ國際的地位ハ、現在一落千丈シテ尚英國ノ殖民地ニモ及バナイ有樣デアリ、而モ「ネパール」カラ極メテ遠ク且兩國ノ間ニハ非常

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中國ヲ中心トスル東方文明ハ數百年來發達シ居リシガ、其ノ一部ハ大體ニ於テ獨立シテ居リシモノニシテ、西歐ノ文明ニ對シテハ比較的ニ影響ヲ與ヘザリシモノナリ。然ルニ今ヤ西歐ノ文明ハ全世界ヲ風靡シ、東方ノ文明ハ之ニ壓倒セラレテ、今ヤ東方ノ文明ハ西歐ノ文明ニ依リテ支配セラルルニ至レリ。

朝鮮ニ關スル日本ノ施設ニ付テハ、大體ニ於テ日本ハ朝鮮ニ對シ文化ノ程度ヲ進メ、其ノ福祉ヲ增進スルノ政策ヲ採リ來レリ。日本ハ朝鮮ニ對シ大ナル貢獻ヲ爲シ來レリ。日本ハ朝鮮ニ對シ何等ノ利己的ノ野心ヲ有セズ。日本ハ朝鮮ニ對シ何等ノ領土的野心ヲ有セズ。日本ハ朝鮮ニ對シ何等ノ經濟的野心ヲ有セズ。日本ハ朝鮮ニ對シ何等ノ排他的經濟政策ヲ採リタルコトナシ。日本ハ朝鮮ニ對シ何等ノ差別的待遇ヲ與ヘタルコトナシ。日本ハ朝鮮ニ對シ何等ノ壓迫ヲ加ヘタルコトナシ。日本ハ朝鮮ニ對シ何等ノ虐待ヲ加ヘタルコトナシ。日本ハ朝鮮ニ對シ何等ノ奴隸的取扱ヲ爲シタルコトナシ。

日本ハ朝鮮ニ對シ貢獻シ來レリ。日本ハ朝鮮ニ對シ何等ノ利己的ノ野心ヲ有セズ。日本ハ朝鮮ニ對シ何等ノ領土的野心ヲ有セズ。日本ハ朝鮮ニ對シ何等ノ經濟的野心ヲ有セズ。日本ハ朝鮮ニ對シ何等ノ排他的經濟政策ヲ採リタルコトナシ。日本ハ朝鮮ニ對シ何等ノ差別的待遇ヲ與ヘタルコトナシ。日本ハ朝鮮ニ對シ何等ノ壓迫ヲ加ヘタルコトナシ。日本ハ朝鮮ニ對シ何等ノ虐待ヲ加ヘタルコトナシ。日本ハ朝鮮ニ對シ何等ノ奴隸的取扱ヲ爲シタルコトナシ。

日本ハ朝鮮ニ對シ貢獻シ來レリ。日本ハ朝鮮ニ對シ何等ノ利己的ノ野心ヲ有セズ。日本ハ朝鮮ニ對シ何等ノ領土的野心ヲ有セズ。日本ハ朝鮮ニ對シ何等ノ經濟的野心ヲ有セズ。日本ハ朝鮮ニ對シ何等ノ排他的經濟政策ヲ採リタルコトナシ。日本ハ朝鮮ニ對シ何等ノ差別的待遇ヲ與ヘタルコトナシ。日本ハ朝鮮ニ對シ何等ノ壓迫ヲ加ヘタルコトナシ。日本ハ朝鮮ニ對シ何等ノ虐待ヲ加ヘタルコトナシ。日本ハ朝鮮ニ對シ何等ノ奴隸的取扱ヲ爲シタルコトナシ。

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今私ガ大亜細亜主義ヲ鼓吹シマスニ當ッテ述ベマシタ以上ノ話ハ、如何ナル問題デアルカト申シマスニ、簡單ニ言ヒマスレバ、ソレハ文化ノ問題デアリマス。東方ノ文化ト西方ノ文化トノ比較ト衝突ノ問題デアリマス。東方ノ文化ハ王道デアリ、西方ノ文化ハ覇道デアリマス。王道ハ仁義道徳ヲ主張スルモノデアリ、覇道ハ功利問横ヲ主張スルモノデアリマス。仁義道徳ハ正義公理ニ依ッテ人ヲ感化スルモノデアリ、功利ハ権ノ洋砲大砲ヲ以テ人ヲ壓迫スルモノデアリマス。感化ヲ受ケタ國ハ、假令宗主國ガ寸徴シテモ、數百年ノ後ニ至ル迄、尚其ノ徳ヲ忘レルモノデハナイト云フコトハ「ネパール」ガ今日ニ於テモ尚日中國ノ感化ヲ庶幾ヒ、中國ヲ宗主國トシテ崇拜セントシテ居ル事實ニ依ッテ明カデアリマス。之ニ反シテ壓迫ヲ受クレバ、假令壓迫シタ國ガ現在非常ニ昭々デアラウトモ、常ニ其ノ國家ヨリ離脱セントスルモノデアルコトハ英國ニ對スル埃及及印度ノ關係ガ之ヲ示シテ居リマス。

即チ英國ハ埃及ヲ征服シ、印度ヲ征服シ、現在非常ニ強暴トナッテ

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居リマスガ、埃及及印度ハ常ニ英國ヨリ脫シヨウトシテ居リマス。之ガ爲彼等ハ略ボ獨立運動ヲ起シテ居リマス。然レ彼等ノ獨立運動ハ、英國カラ大ナル武力ノ壓側ヲ受ケテ居リマスガラ、急ニハ成功致シサスマイ。然レ乍ラ英國ガ一度衰微シマシタナラ、埃及及印度ハ百年ヲ經タナイ中ニ、直ニ英國ノ力ヲ逐ヒ拂ヒ獨立ノ地位ヲ恢復スルカモ知レマセウ。コウ申上ゲレバ諸君ハ東西文化ノ優劣ガ歷然トシテアリマセウ。吾々ハ今コウイフ世界ニ立ッテ居ルノデアリマスカラ、我大亞細亞主義ヲ實現スルニハ、吾々ハ何ヲ以テ基礎トシナケレバナラナイカト云ヒマストキ、先レハ我固有ノ文化ヲ基礎トシナケレバナラナイノデアリマス。固有ノ文化トハ卽チ道德デアリ、仁義デアリマス。仁義道德コソハ我大亞細亞主義ノ好個ノ基礎デアリマス。斯クノ如キ好個ノ基礎ヲ持ッテ居ル吾々ガ、尙歐洲ノ科學ヲ學バントスル所以ハ以テ工業ヲ發達セシメ、武器ヲ改良セント欲スルガ爲ニ外ナリマセン。歐洲ヲ學ブノハ決シテ他國ヲ城シタリ、他ノ民族ヲ壓迫シタリスル

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コトノミヲ學ブノデハナイノデアリマス。只吾々ハ學ンデ以テ自衛ヲ期セントスルノデアリマス。

近來亞細亞ノ國家デ、歐洲ノ武力文化ヲ學ンデ、之ヲ完全ニコナシテ居ルノハ日本ダケデアリマス。日本ハ軍艦ノ建造操縦ニ至ルマデ、今デハ必ズシモ歐洲人ニ頼ルヲ要セズ、陸軍ノ編制運用モ亦自主的ニ之ヲ行フコトガ出來ルノデアリマス。ソレ故ニ日本ハ極東ニ於ケル一個ノ完全ナル獨立國家デアリマス。我亞細亞ニハ歐洲大戰當時兩强國ノ一方ニ加入シ、敗戰スルヤ忽チ分割サレ戰後ニ於ケル一個ノ完全ナル獨立國家トナッタ國ガアリマス。此ノ國ガ卽チ土耳古デアリマス。現在亞細亞ニハ獨立國ハ僅カ二ッシカアリマセン。一ハ東ノ日本デアリ、二ハ西ノ土耳古デアリマス。日本ト土耳古トハ西細亞ニ於ケル東西ノ二個ノ大ナル障壁デアルノデアリマス。而ニ現在デハ波斯、「アフガニスタン」、「アラビヤ」等モ歐洲ニ學ンデ立派ナ武力ヲ備ヘテ居リ、歐洲人モ敢テ之等民族ヲ輕蔑シナイノデアリマス。」

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ネパール」ニ至ッテハ、英国人モ尚且輕視致シマセン。彼等ハ今ヤ立派ナ武力ヲ具ヘテ居リマス。中国ハ只今非常ニ多クノ軍隊ヲ特ッテ居リマスカラ、一度統一サルレバ非常ナ勢力トナリマセウ吾々ガ大亜細亜主義ヲ說キ、亜細亜民族ノ地位ヲ恢復シヤウトスルニハ、仁義道徳ヲ基礎トシテ各地ノ民族ヲ聯合シ、亜細亜全體ノ民族ガ非常ナル勢力ヲ有スルヤウニシナケレバナラナイノデアリマス。

只欧洲人ニ對シテハ、單ニ仁義ノミヲ以テ彼等ノ感化ヲ謀ッタリ亜亜細亜在中ノ欧洲人ニ對シテ平和裡ニ權利ノ返還ヲ求メタリスルコトハ、恰モ虎ニ食物ヲ與ヘテ其ノ皮ヲ取ラウトスル樣ナモノデ、到底出來ナイ相談デアリマス。故ニ吾々ハ我々ノ權利ヲ完全ニ回收シヤウトスルニハ之ヲ武力ニ訴ヘナケレバナラナイノデアリマス。サテ武力ト云ヘバ、日本ハ早クヨリ非常ニ完全ナル武力ヲ有シテ居リ、土耳古モ最近ハ立派ナ武力ヲ持ッテ來マシタ。又波斯、「アフガニスタン」、「アラビヤ」等ノ各民族ハ從來カ

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ラ何レモ戰爭ニ弱イ民族デアリマス。中國四億ノ民族ハ平和ヲ愛スル民族デハアリマスガ、生死ノ堺ニ立ッテハ斷然奮闘シテ大ナル武力ヲ發揮スルノデアリマス。若シ全亞細亞民族ガ聯合シ、固有ノ武力ヲ以テ歐洲人ト戰ッタナラバ、必ズ勝チ決シテ敗ケルコトハ無イノデアリマス。更ニ歐洲ト亞細亞トノ人口ヲ比較シマスレバ、中國ハ四億、印度ハ三億五千萬、緬甸、安南等ハ合計數千萬、日本ハ一圓デ數千萬アリ、其他各弱少民族モ數千萬アリマスカラ、我亞細亞ノ人口ハ、全世界ノ人口ノ二分ノ一以上ヲ占メテ居ルノデアリマシテ、歐洲ノ人口ハ僅ニ四億ニ過ギナイノニ、我亞細亞全體ノ人口ハ實ニ九億デアリマス。四億ノ人間ガ九億ノ人間ヲ壓迫スルト云フコトハ、正義人道ト相容レナイ所デアリマシテ、正義人道ニ反シタル行爲ハ結局失敗スルモノデアリマス。而モ彼等四億ノ人間中ニハ、最近ニ至ッテ吾々ニ感化サレタ者スラ有ルノデアリマス。現在世界文化ノ趨勢ヲ見マスト、英國、米國等ニハ少數デハアリマスガ、仁義道德ヲ提唱スル者ガ出テ參リマ

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シタ。其他ノ野蛮国ニ於テモ亦コウシタ主張チナスモノガアリマス。之ハ即チ西洋ノ功利弱権ノ文化ガ、東洋ノ仁義道徳ノ文化ニ服従セントシテ居ルコトヲ物語ルモノデアリ、西道ガ王道ニ服従セントシテ居ルコトノ證據デアリマシテ、即チ世界文化ガ日日光明ニ向ク所以ノモノデアリマス。

現在欧洲ニハ、欧洲全部ノ白人カラ排斥サレ、毒蛇猛獣デアッテ人類デハナイ様ニ思ハレ、少シモ接近サレナイ国ガアリマス。我亜細亜ニモ同様ノ考ヘヲ以テ居ルモノガ可成リ有リマス。然ラバ其ノ国ハ何處デアルカト云ヒマスト、夫レハ墨国デアリマス。墨西亜ハ只今デハ欧洲白人ノ分家タラントシテ居ルノデアリマス。墨国ヲ何故ニソウ謂フ状態ニ在ルカ。夫レハ彼ガ王道チ主張シテ西道チ主張セズ、仁義道徳チ說イテ功利强權チ說カウトセズ、極力公道チ主持シ、少數チ以テ多數チ壓迫スルコトニ賛成シナイカラデアリマス。墨国ノ新文化ハ我東洋古來ノ文化ニ合致スルモノデアッテ、彼等ハ東洋ト手チ握リ、西洋ヨリ分家シヤウトシテ居

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ルノデアリマス。欧洲人ヘ米国ノ新シイ主義ガ、彼等ノ主張ト合致セズ、且米国ノ主張ガ成功スルトキハ、彼等ノ専道ガ打破セラレルダラウコトヲ恐レ、米国ガ仁義正道ヲ説ク国デアルコトニハ目モクレズ、却テ米国ハ世界ノ反逆者デアルト罵ユルノデアリマス。

サテ最後ニ、然ラバ吾々ハ結局如何ナル問題ヲ解決シヤウトシテ居ルノカト言トマスノニ、歴迫ヲ受ケテ居ル我亜細亜ノ民族ガ如何ニセバ欧洲ノ強盛民族ニ対抗シ得ラレルカト言フコトデアリマシテ、簡單ニ言ヘバ、被歴迫民族ノ爲ニ其ノ不平等ヲ撤廢シヨウトシテキルノデアリマス。被歴迫民族ハ亜細亜ニ有ル許カリデナク、欧洲ニモ居ルノデアリマス。溯道ヲ行フ国ハ只ニ他洲ト外国トノ民族ヲ歴迫スルノミナラズ、自州及自国内ノ民族ヲモ、同様ニ歴迫シテ居ルノデアリマス。私大亜細亜主義ハ王道ヲ基礎トシナケレバナライト申上ゲタノハ、之等ノ不平等ヲ撤廢センガ爲デアリマス。米国ノ學者ハ、民衆解放ニ関スル一切ノ運動ヲ、

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文化ニ反逆スルモノデアルト言ッテ居リマスカラ、吾々ノ主張ス
ル不平等廃除ノ文化ハ、西道ニ背叛スル文化デアリ、又民衆ノ平
等ト解放トヲ求ムル文化デアルト言ヒ得ルノデアリマス。日本民
族ハ既ニ一面欧米ノ西道ノ文化ヲ取入レルト共ニ、他面亜細亜ノ
王道ノ文化ノ本質ヲモ持ッテ居ルノデアリマス。今後日本ガ世界ノ
文明ニ對シ、西洋西道ノ犬トナルカ、或ハ東洋王道ノ干城トナル
カ、夫レハ日本国民ノ慎重ニ考慮スベキコトデアリマス。

外務省調査部
調第四〇號　（昭和十年九月印刷）
「文主義」（上巻）一一三一頁―一一四七頁

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C E R T I F I C A T E

Statement of Source and Authenticity

I, HAYASHI, Kaoru, Chief of the Archives Section, Japanese Foreign Office, hereby certify that the document in Japanese, remarked "SHIRATORI DOCUMENT NO. 17" and entitled "THE PRINCIPLE OF GREATER ASIA" is an exact and true copy of an official document of the Japanese Foreign Office.

Certified at Tokyo 23 October 1946

/s/ K. Hayashi
Signature of Official

Witness: /s/ Nagaharu Odo

Translation Certificate.

I, Charles D. Sheldon, Chief of the Defense Language Branch, hereby certify that the foregoing translation described in the above certificate is, to the best of my knowledge and belief, a correct translation and is as near as possible to the meaning of the original document.

/s/ Charles D. Sheldon

Tokyo, Japan
Date 19th Sept. 1946

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EXCERPT FROM FOREIGN RELATIONS OF THE U.S.-JAPAN, VOL. 1, PAGES 95-98, 1931-41. STATE DEPT., WASHINGTON.

793.94 Commission/338

The Minister in China (Johnson) to the Secretary of State

No. 1656

PEIPING, August 2, 1932.
(Received August 29.)

SIR: With reference to my telegram No. 883 of August 1, 9 (8) p.m., I have the honor to enclose herewith in confidence a copy of a letter addressed to the Chairman of the Commission of Study of the League of Nations now investigating the causes of trouble between Japan and China by the Japanese Assessor, which encloses an epitomized record of the statements which Count Uchida made at the interviews with that Commission in Dairen and Tokyo. I was permitted to make copies of this document for my confidential information, and I have the honor to request that the Department treat the document as confidential.

As stated in my telegram, my information is that while this document does not accurately set forth all that Count Uchida said to the Commission while it was in Tokyo, it is nevertheless believed to be a clear and accurate statement of the policy which Count Uchida as Minister of Foreign Affairs will follow in dealing with the Manchurian situation.

Respectfully yours, NELSON TRUSLER JOHNSON

(Enclosure)

Epitomized Record of Statements Made by Count Uchida at Interviews With the League of Nations Commission in Dairen and Tokyo

1. Some time ago at Dairen I had occasion to state frankly to Your Excellencies my personal views based upon my experience in connection with Manchuria, adquired in varied capacities during the past quarter of a century. To-day as Minister for Foreign Affairs I can discover no ground whatsoever for modifying those views on any essential point.

2. All the international disputes which have occurred in recenty years in the Far East may be chiefly attributed in the first place to the fact that China disunited and destitute of control does not, taken as a whole, constitute a duly organized state, and in the second place to the revolutionary foreign policy of the Nationalist Government, strongly influenced as it is by communist doctrine imported from abroad. And it is not Japan alone, but all the Powers which

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possess important interests in China, that must suffer from such state of affairs now existing in China.

3. Unfortunately extreme difficulties are encountered in any attempt to repair the injuries thus sustained by the various Powers, through any appeal to the Covenant of the League of Nations, the Nine Power Treaty, the Anti-War Pact, or any other existing treaty intended for the maintenance of international peace. In fact, it has been the practice among the principal Powers to rely upon their own resources whenever their rights and interests in China were actually, or were in danger of being, seriously impaired. The recent history of China is full of examples of such cases, in which reparation for, or the prevention of, damage to their interests was effectuated by foreign Powers upon their own account.

4. Japan, as a country more intimately connected with China both historically and geographically, than any other, and possessing by far the greatest interests in China, has had to suffer more than other countries from the anomalous situation in China as I described above. As far as Japan was concerned, she naturally hoped to see China experience a re-birth and come to realize her true role in maintaining the peace of the Far East. For more than twenty years, especially as a sequel to the Conference of Washington, we have exercised the greatest patience and self-control, but conditions in China have failed to show any trace of improvement; on the contrary, they grew notably worse. It was at a moment when the feeling of our people was running high in face of the ever increasing Chinese provocations, that in Manchuria, Japan's first bulwark, where, staking the fortunes of our country, we fought two great wars with China and with Russia in order to repel their aggressions and, where our country's vital interests on the Continent of Asia are centered, the sudden incident of September 18th occurred. We had no other course than to take decisive measures of self-defence.

5. As a consequence of Japan's action, the power of General Chang Hsueh-liang in Manchuria was extinguished. Influential people of Manchuria, who had long chafed under the misrule of the Changs and were opposed to their policy of dragging Manchuria into the turmoil of Chinese civil war south of the Great Wall, seized the opportunity to set up an independent state.

Manchuria is a country quite apart from China Proper, geographically and in psychological characteristics. The population, though mostly of Chinese origin is composed largely of those Chinese who, driven out of their homes in China Proper by famine and flood, by tyranny and oppression, fled to Manchuria seeking to start a new life in that land where they could enjoy comparative security and abundance owing to Japan's vigilance and enterprise. Moreover, historically viewed, Manchuria has never constituted a purely integral part of China. Especially during recent decades has it been demonstrated on innumerable occasions that the authority of no government in China Proper extended to Manchuria.

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The founding of Manchukuo was only an outcome of the subterranean revolutionary movement of many years' standing, which has opened to come to the surface as a sequel to Japan's actions of self-defence, and which proved successful owing to the peculiar characteristics which separate Manchuria from China Proper. The independence of Manchuria should therefore, be regarded as essentially a phenomenon the political disintegration in China.

6. There may be more than one plan for the solution of the Manchurian problem. The Japanese Government believe that the problem should be solved with the aim in view of ensuring the security and stability of Manchuria as well as the permanent peace of the Far East, and that at all events the mistake should not be made of rendering the situation uncertain and so perpetuating occasions for future disputes. It would be intolerable if, as the result of any temporizing measure of expediency or compromise, there should be resuscitated in Manchuria conditions analogous to those that prevailed there prior to the incident of 18th September last. In that sense I cannot agree to any plan which would contemplate the inauguration of the rule of an anti-Japanese and disorganized China over Manchuria. Moreover, the authorities of Manchukuo, who have repeatedly declared their intention completely to separate themselves from the corrupt and foul politics of China Proper and to set up an honest and able government, would not consent to a plan which would utterly defeat their ideal and aspirations.

I believe that any plan which might be formulated, in which no account is taken of the existence of Manchukuo as an international state, will fail to bring order and stability to Manchuria and tranquility to the Far East.

7. The recognition of a new state or government is not a matter for the exercise of the choice or fancy of other states. It is a step imposed upon them by the necessities of international intercourse. It is rightly felt intolerable that a country should be compelled for any length of time to regard the government which actually controls its nearest neighbor as devoid of all substantial authority and title, and as incompetent to represent it abroad. As Manchukuo is the outcome of a local movement of self-determination on the part of the inhabitants, who have undoubtedly been much oppressed in the past, as above observed, there can be no question, in recognizing its existence, of any inconsistency with the Nine Power Treaty of Washington whose provisions Japan is most anxious to observe. The object of the Treaty was not to exempt that region from the usual and normal operation of the law of nations which legitimizes de facto governments, nor to perpetuate and integrity of discord. It would be directly contrary to its terms to hold that China must forever seethe in anarchy and that no part of the ancient Chinese territory can ever be allowed to erect itself as an island of peace and security, but must be forced down into the morass of discord and disorganization by eight civilized Powers. In short, the Nine Power Treaty does not forbid Chinese in any part of China to establish of their own free will an independent state, and it does not, therefore, constitute a

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violation of the Treaty to accourd recognition to a new state so founded. There is no doubt that Manchukuo, if given fair and untrammelled opportunity by Japan and other Powers, will quickly develop into a strong and stable nation, and so given a much needed lead to the establishment of a strong and stable government in China.

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Not used

Ref Doc No. 129

辯護側書證一二九

日米外交関係第一巻九五頁ヨリ九八頁一九三一年ヨリ一九四二マデノ抜萃

ワシントン国務省

七九三、九四　命令　三三八

在中国大使（ジョンソン）ヨリ国務長官宛

第一六五六號　一九三二年八月二日北京發信

（八月二十九日受領）

八月一日午後九時（八時）發小官ノ第八八三號電報ニ関シ小官ハ日本中国間の紛議ノ原因ヲ検討シツヽアル国際聯盟研究委員会ノ議長ニ日本側陪席者ガ宛テタ手紙ノ寫シヲ入手シ秘密ニ同封申シ上ゲマス。コノ手紙ハ、内田伯爵ガ東京及ビ大連ニ於ケル同委員会トノ会見デ行ツタ証明ノ摘要ヲ記錄シテヰマス。コノ書類ノ寫シハ小官ノ極秘情報トシテ取扱ヒ下サルヨウ御願ヒ致シマス

小官ノ電報中ニアル如ク、コノ書類ハ、同委員会ガ東京訪問ノ際内田伯

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ノ述ベタコトノ總ベテヲ明確ニ發表シテハ居リマセヌガ、ソレニモ拘ハラズコレガ内田伯ガ外務大臣トシテ滿洲問題ノ處理ニ採ルベキ政策ヲ明白、確實ニ陳述シテヰルモノデアルト信ジラレテヰルトノ報道ヲ小官ハ得テ居リマス。

敬具

ネルソン・トラスラー・ジョンソン

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（別　紙）

大連及東京ニ於イテ内田伯ガ国際聯盟委員会トノ会見ニオイテナセル重
大ナル声明ノ摘要記録

一、先般私ハ、過去二十五年間諸々ノ職掌ヲ以テ私ガ満洲國ニ関シテ得タ
経験ニ基ク私ノ個人的意見ヲ御一統ニ率直ニ述ベル機会ヲ得マシタ。
今日外務大臣トシテ私ハ基本的ニハドノ點ニツイテモソノ意見ヲ修正
スベキ何ラノ理由モ見出シ得マセン。

二、近年極東ニオイテ起ツタ国際紛糾ノ主ナル原因ハ第一ニ、中國ガ四分
五裂ノ状態デ全ク統率ヲ缺キ、全体トシテ適當ニ組織サレタ國家ヲ
ナシテヰナイ事實ト、第二ニ、外國カラ輸入シタ共産主義ニ強ク影響
サレテヰル國民黨政府ノ革命的ナ外交政策ニアルト云ヘマセウ。ソシ
テ中國ニ現存スルカ、ルヽ態ニヨリ迷惑ヲ蒙ルノハタヾ日本ノミナラ
ズ中國ニ對シ重要ナル權益ヲ有スル總テノ國家デアリマス

三、國際聯盟規約九ケ國條約、不戰條約ソノ他國際間ノ平和ヲ保持スルタ
メノ何ラカ條約ヲ通ジ、カ、ルヽ態ヨリ列國ノ蒙ル損害ノ賠償ヲ要求

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Def Doc No. 1837

スル時ハ、不幸ニシテ常ニ非常ナ困難ニ遭遇シマシタ。實際中國ニオケル列強ノ租界ガ打撃ヲ受リ或ハモ列強ハ自力ニヨル手段ニ頼ルトイフコトガ習慣デアリマシタ。中國ノ最近ノ歴史ニハソノヨウナ例ガ多クアリマス。即チ諸外國ハ彼ラノ權益ニ對スル損害ノ賠償ヤ自防ヲ自己ノ責任ニオイテ實行シテ來マシタ。

四

日本ハ中□ト歴史的ニモ地理的ニモ他□ヨリ密接ナ關係ガアリ、ソノ中□ニオケル權益ハ他ノイヅレノ國ヨリモ遙カニ大キク、故ニ前述ノ如キ中□内ノ不安狀態ヨリ蒙ル打撃モ他□ヨリヅット甚大ナモノデアリマシタ。日本ニ關スル限リ、當然日本ハ中□ニオケル中□ノ眞ノ役割ヲ悟ルヤウニト希望シマシタ。二十年以上ノ間特ニ華府會議以來我々ハ多大ノ忍耐ト克己ヲ行ツテ來タガ中□ニオケル諸狀況ハ少シモ改善ノ迹ヲミセズ、却ツテ尚ニ惡化シテ來マシタ日本ノ最前線デアルトコロノ滿洲、我々ガ□遇ヲ賭シテ中□攻「ロシヤ」ノ侵略ヲ撃退スルタメニソコデ二回ニワタリ大戰爭ヲナシ又亞細

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亜大陸ニオケル我ガ致命的利害ノ中心トナツテヰル満洲ニ於テ、九月十八日ノ突發事件ガ起ツタノハ中國ノ愈々増長スル煽動ニ對シテ我國民ノ感情ガ高マツテ來タ時デアリマシタ。我々ハ斷乎トシテ自衛ノ手段ヲトル他ニ方法ガナカツタノデアリマス

又日本ノ行動ノ結果トシテ張學良將軍ノ權力ハ消滅シマシタ。張一門ノ私政ノ下デ長イ間焦躁シ、長城以南ノ中國動亂ニ滿洲國ヲ曳キ込マウトスル彼等ノ政策ニ反對シテヰタ有力ナ滿洲人達ハ獨立國家竝立ノ機會ヲ摑ンダノデアリマス。

滿洲ハ地理的ニモ又民族心理的特性カライツテモ中國本土トハ全ク別個ノ國デアリマス。人民ハ大部分中國人カラ出タモノデハアリマスガ多クハ飢饉ヤ洪水又專制ヤ壓迫ノタメニ中國本土ノ故郷カラ追出サレテ、日本ノ保護ト經營ノ下ニ比較的ニ安全ト富裕ヲ樂シムヤウノデキル國土デ新生活ヲ建設スルタメニ逃ゲテ來タ中國人デアリマス。ソノ上歷史的ニ見テモ滿洲ハ中國ニトツテ純粹ニ不可分ナ要素ヲ成シタコトハアリマセン。特ニコノ數十年間ニ無數ノ場合ニ示サレタヨウニ中國本國ノイカナル政府ノ權力モ滿洲ニマデ及ンダコトハアリマセン。

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Defense Document No. 131

Excerpt from Collection of Documents Relating to League of Nations, pp. 29 - 50 December 1932

Monsieur le Président,

The Japanese Delegation has laid before the Council of the League of Nations, the Observations their Government have thought proper to make regarding the Report of the Commission of Enquiry. We consider that the Report, taken as a whole, and especially in its descriptive accounts, furnishes a valuable picture of events. There are passages and even whole sections with which the Japanese Government are entirely in accord. We highly appreciate the earnest and arduous labours of the Commission, and we wish, first of all, to extend to the distinguished Members, collectively and individually our sincere appreciation and thanks.

We owe it to candour, however, to state that the Report has not been as full or as proper in many of its deductions and conclusions as a longer study of the problem would have produced. We have, therefore, taken pains to draft certain Observations for the consideration of the Council, and we hope that these will be carefully examined and fully weighed.

The condition of China is described at length in the Report, but a somewhat optimistic and hopeful attitude is taken which, we regret to say, we are unable to share.

The Commission take us Japanese to task for having shared in the "altogether different attitude which was taken at the time of the Washington Conference", when, "there existed no fewer than three governments professing to be independent, not to mention the autonomous status of a number of provinces or parts of provinces". At the time of the Washington Conference, in 1922, although conditions in China were not ideal, it was possible for us to join with other Powers in hoping for a restoration of unity and peace, and we gladly did so. We knew that conditions were worse than they had been ten years before, when the Republic was proclaimed, but we hoped for improvement. Now, another decade has passed, and conditions are not better but worse.

There is now a kaleidoscope of rival military leaders, usually called War Lords. Outer Mongolia has become sovietized; Thibet is at war with China; Turkestan is almost entirely cut off from contact with the nominally sovereign state; the National Government is in control by military force of only the several provinces about the mouth of the Yangtze River; Shantung is suffering from another conflict of military leaders; Szechuan is in disorder; the faction at Canton is independent and hostile; and, as the Commission reports, there is "menace from another source, namely Communism".

At the time of the Washington Conference, there was not threat of Communism in China. That was taken into the country by Dr. Sun Yat-sen in 1925. With assistance in the way of arms, money, military experts and trained propagandists from Russia, the renowned revolutionary leader was able to organize the Nationalist movement; and when he died, General Chiang Kai-shek assumed the leadership. The General disagreed with his Russian associates and drove them out of the country; and today he is fighting the Communist movement carried on by Chinese leaders, particularly in the provinces of Hupei, Fukien and Kiangsi, - that is to say, the heart of China. But the National Government, of which General Chiang is the chief, and the Kuomintang Party, which supports it, have not given up the principles which caused the various foreign Governments, a few years ago, to increase their garrisons at Shanghai.

Foreign troops - European and American as well as Japanese - have been stationed in China for more than thirty years, and foreign naval vessels have been patrolling the Yangtze River for a similar length of time. These foreign forces are kept there not only for the protection of their respective nationals who may venture beyond the beaten tracks of trade and travel but to protect even the foreign legations at the old capital, Peking (now Peiping), and the new capital, Nanking.

Is it not an extraordinary state of affairs when the lives of Ministers Plenipotentiary, accredited to a recognized government, have to be followed by troops or men-of-war for the safety of their lives? Does such a condition exist anywhere else in the world? Is the presence of foreign military and

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naval forces in China, only a matter of form? I am sorry to say it is not. In 1927, it will be remembered, the foreign consulates in Nanking were attackedby officers and soldiers of a faction of the Nationalist Army, and American and British naval vessels went into action to save the lives of their consuls, and their wives and children. Nor have the attacks upon foreign merchant vessels by bandits and soldiers ceased. Particularly in the past seven years - that is to say, since the Nationalist Government decided to bring the so-called "unequal treaties" to an end, foreign naval vessels - European and American, as well as Japanese, have had numerous encounters with troops and bandit armies.

Although in normal times, our Government keeps no greater number of troops and men-of-war in China proper than the British or American Government, we have a far greater number of people to protect. The number of Japanese residing and doing business in China treaty ports is several times larger than the number of all other foreigners taken together. I mean by this statement to show that we have sought not only to use as little force as possible but to display as little.

The relations of China with foreign Powers have not been improved since radical ideas were adopted by the Kuomintang party. As the League Commission have reported, "In two particulars has this been carried so far as to contribute to the creation of an atmosphere in which the present conflict arose, namely, the use made of the economic boycott, and the introduction of anti-foreign propaganda in the schools."

"The ideas of Dr. Sun Yat-sen", says the Commission, "are now taught in the schools as if they had the same authority as that of the Classics in former centuries. The sayings of the Master receive the same veneration as the sayings of Confucius received in the days before the Revolution. Unfortunately, however, more attention has been given to the negative than to the constructive side of nationalism in the education of the young. A perusal of the text books used in the schools leaves the impression on the mind of a reader that their authors have sought to kindle patriotism with the flame of hatred, and to build up manliness upon a sense of injury. The result of this virulent anti-foreign propaganda, begun in the schools and carried through every phase of public life, has been to induce students to engage in political activities which have culminated in attacks on the persons, homes, or offices of Ministers and other authorities and in attempts to overthrow the Government."

The National Government is permeated by acute anti-foreign feeling, and works assiduously to instill a hatred of foreigners into the minds of the younger generation. Fifty millions of young Chinese are growing up under the influence of violent ideas, thus constituting a terrific problem for the immediate future.

Although the armies of China number in all over two million men, few of them are organized or intended for the defense of the country. In coping with alleged injustice on the part of foreign Powers a method other than armed resistance has often been adopted. This is the boycott, - a form of hostility contrary to commercial treaties or treaties of amity. Its results are often more protracted, worse and more difficult to deal with than what is recognized as war. It is warfare of an insidious character.

Our people in China have been tortured for many years by this practice which includes the cutting off of even daily provisions. Many have been brought to ruin. Many of our industries at home as well as in China have been seriously injured, some actually destroyed. If it were a spontaneous and natural thing, due to the dislike of us by those who buy our goods, we would have less to complain about; but it is an institution inspired and organized by the Kuomintang and even Government officials. It is utilised as an instrument of national policy to secure abandonment by a foreign Power of its treaty rights. Powers of the world have outlawed by treaty the resort to war with arms. I would ask the Council why the boycott, when it assumes an official or semi-official character, should not be condemned by the League of Nations and outlawed by it?

It is not only the Japanese who have suffered from this form of hostility. Great Britain and even the United States have been boycotted. But we, who depend more upon Chinese trade than any other nation, have, in recent years, borne the brunt of it. The Commission pointed out that "so far as Japan is

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China's nearest neighbour and largest customer she has suffered more than any other Power from lawless conditions." We have suffered from boycott in spite of long and serious efforts to be on terms of amity with China. But the longer our tolerant attitude was observed, the more severe became the hostility. Our toleration was apparently mistaken by China as weakness and seemed to encourage the political factions to go further in the organization of their efforts to injure us.

As, in the course of my remarks, I must seem unavoidably to cast reflections on the conduct of the Chinese, it may be well for me to disclaim the idea, - sometimes latent in the Report, - that Japan entertains feelings of bitterness or hostility towards the Chinese people. The Japanese Government believe that the Chinese people have been much misled, much terrorised and much misrepresented, and that their main desire is to enjoy in peace and quiet the results of their industry. Japan, maintaining her old friendly attitude, looks forward to ages of prosperous and neighbourly cooperation between the two nations.

So much for the condition of China. In Manchuria to which I now turn, anti-foreign agitation was concentrated on us.

Until the death of Chang Tso-lin, the dictator in Manchuria, in 1928, this sort of agitation was not permitted there. The "old Marshal" wisely prevented it. But when his son, the "young Marshal", Chang Hsueh-liang, fell heir to his father's estate and authority, he came to terms with General Chiang Kai-shek, and permitted agents from China proper to enter Manchuria and conduct propaganda directly against Japan. All the rights which Japan had acquired in Manchuria were to be "recovered". Japanese investments in railways, mines and other enterprises, - which had been of incalculable benefit to the Chinese people, - were to be taken away. They were slowly to be tortured out of the country. Pamphlets and papers were printed and circulated, posters placarded on the walls of the cities, and speeches were made in private and public with this object in view. Propagandists, trained and experienced in anti-foreign campaigning, directed the work. The army of Chang Hsueh-liang, numbering over three hundred thousand men, were indoctrinated with the principle.

The Commission dealtat length with this campaign, saying that in its official Party publication and numerous affiliated organs, the Kuomintang never ceased to insist on the primary importance of the recovery of lost sovereign rights, and abolition of "unequal" treaties and the wickedness of imperialism. Such propaganda, the Commission continued, was bound to make a profound impression in Manchuria, where the reality of foreign interests, courts, police, guards or soldiers on Chinese soil was apparent. "Associations such as the Liaoning People's Foreign Policy Association made their appearance. They stimulated and carried on an anti-Japanese agitation. Pressure was brought to bear on Chinese house-owners and landlords to raise the rents of Japanese and Korean tenants, or to refuse renewal of rent contracts. Korean settlers were subjected to systematic persecution. Various orders and instructions of an anti-Japanese nature were issued." In April, 1931, at a Conference of the People's Foreign Policy Association, held at Mukden, "the possibility of liquidating the Japanese position in Manchuria was discussed, the recovery of the South Manchuria Railway being included in the resolutions adopted".

Japan had no intention of surrendering her rights and properties in Manchuria and had repeatedly made that fact clear. She had officially warned Chang Hsueh-liang himself and generals and civil officials under him. She had made it known also throughout the world that she regarded Manchuria as of vital importance to herself both strategically and economically, and would countenance no change in the special position she held in that territory.

She had been careful, however, to state repeatedly that she had no intention other than to preserve her own rights, acquired by treaty, and her properties. She was content to recognize the fiction of Chinese sovereignty. She was also careful to observe the international policy of the Open Door and Equal Opportunity for the trade of all nations. She displayed patience at least as great as any Western Power, similarly placed, would have done. In fact, I believe she displayed far more. But the breaking point came. Even Japanese patience, which is highly elastic, cannot be stretched indefinitely. The Incident of September 18, last year, was the straw that broke the overstretched band.

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With regard to that Incident, the Commission's Report says that the damage done to the railway was not of itself sufficient to justify military action. It is true that the occurrence of the explosion, if taken only by itself, was quite insignificant. But here the Report fails to take fully into account the serious background of the situation. Had the incident occurred at another period of time, the Commission's observation might have been correct and justified. A far more serious incident, the wrecking of an express train, - unmistakably an act of Chinese soldiery, - resulting in the loss of many lives, did actually take place not far from this particular spot, several years ago, but it resulted in no developments of consequence as the tension at the time was not so great. On the occasion of September 18, 1931, however, the state of tension was much higher and the consequences that followed were grave. It must also be remembered that the explosion in this instance was followed by firing from Chinese troops.

The prompt action of our scattered military forces along the South Manchuria Railway taken even before the orders from their Headquarters reached them, may be regarded as surprising by those who do not realize the height of mutual suspicion and tension that existed and the grave risks that both the Japanese troops and the resident Japanese population were taking. Like any other organized force, that of Japan must necessarily have been prepared for any emergency. When stationed on or in the neighborhood of foreign territory, particularly when repeated occurrences show that prompt measures may become imperative, an army must be prepared with a well thought-out emergency plan. This the Japanese army had. To have failed to prepare an emergency plan would have been a distinct dereliction of duty, for our troops, only ten thousand four hundred in number, were surrounded by an army twenty times their size, equipped with airplanes and possessing a well stored arsenal, regarded as the best in China. To prevent itself from being overwhelmed, the Japanese army had to have a plan and, when once the alarm arose, its action was almost automatic. It was in fact put into operation with "swiftness and precision", as the Report has it, and properly so.

In dealing with the events of September 18 and 19, the Commission says that "the military operations of the Japanese troops during that night can not be regarded as measures of legitimate self defense". With this we can not agree.

The paragraph concerning the right of self defense contained in the note of Mr. Kellogg, Secretary of State, dated June 23, 1928, reads as follows:

"(1) Self defense. There is nothing in the American draft of an anti-war treaty which restricts or impairs in any way the right of self defense. The right is inherent in every sovereign state and is implicit in every treaty. Every nation is free at all times and regardless to treaty provisions to defend its territory from attack or invasion and it alone is competent to decide whether circumstances require recourse to war in self defense.

The Resolution adopted by the Senate of the United States at the time of ratification of that Treaty states:

"It is well understood that the exercise of the right of self protection may, and frequently does, extend in its effect beyond the limits of the territorial jurisdiction of the state exercising it."

Also to be cited are the letters of Sir Austen Chamberlain dated May 19 and July 18, 1928.

The first observes:

"4. After studying the wording of Article I of the United States draft, His Majesty's Government do not think that its terms exclude action which a state may be forced to take in self defense. Mr. Kellogg had made it clear in the speech which I have referred above that he regards the right of self defense as inalienable, and His Majesty's Government are disposed to think that on this question no addition to the text is necessary.....

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"10. The language of Article I, as to the renunciation of war as an instrument of national policy, renders it desirable that I should remind your Excellency that there are certain regions of the world the welfare and integrity of which constitute a special and vital interest for our peace and safety. His Majesty's Government has been at pains to make it clear in the past that interference with these regions cannot be suffered. Their protection against attack is to the British Empire a measure of self defense. It must be clearly understood that His Majesty's Government in Great Britain accept the new treaty upon the distinct understanding that it does not prejudice their freedom of action in this respect. The Government of the United States has comparable interests any disregard of which by a foreign power they have declared that they would regard as an unfriendly act. His Majesty's Government believes, therefore, that in defining their position they are expressing the intention and meaning of the United States Government."

Sir Austen Chamberlain's second letter says:

"I am entirely in accord with the views expressed by Mr. Kellogg in his speech of the 29th April that the proposed treaty does not restrict or impair in any way the right of self defense, as also with his opinion that each state alone is competent to decide when circumstances necessitate recourse to war for that purpose."

The French Government in its reply of July 14, 1929, made similar observations, as did also the German Government.

The Japanese Government, informed of all these communications, also did not fail to emphasize in their note of May 26, 1928, to the American Ambassador, that "The proposal of the United States is understood to contain nothing that would refuse to independent states the right of self defense."

In face of these express reserves, and in view of the organized hostility prevailing against our interests, our people and our forces at the time, the Japanese Government, which is the acknowledged judge in the matter, regards the action of its army as entirely one of self defense, the right to which the Pact of Paris was so explicity understood not to question or to deny to any nation.

"Why did we not refer the matter of Manchuria to the League of Nations?" is a question that has often been asked. The answer, in brief, is first that Japanese national sentiment would not permit outside interference in the Manchurian question. Secondly, had we referred the matter to the League, the position of Japanese subjects, including Koreans, in Manchuria would have been seriously undermined, in view of the delay invariably incidental to League procedure. Thirdly, there is a difference between Japanese and Western mentality. The Westerner would begin to argue before the situation became acute, while the Japanese persists, perhaps too long, in the hope of a solution. Fourthly, when the breaking point came unexpectedly, events took their own natural course.

In regard to Manchuria, the Observations which we have presented to the Council differ materially from the Report of the Commission. We disagree with the contention that Manchuria was an integral part of China. It was distinctly and almost exclusively a Crown Domain or a private estate appanage of the Manchu Dynasty up to the beginning of the present century. And never has any of the recognized governments of China controlled it. Only on occasions, its dictator saw fit to ally himself with one or another of those governments. We have gone into this matter at some length in our Observations.

Chang Tso-lin and Chang Hsueh-liang, who together ruled Manchuria for the entire term of the Republican regime, were independent or allied with one or another faction in China entirely according to their will and interests, and no power in China Proper was ever in a position to dislodge them.

We agree entirely with the Commission in their statement that the return of Manchuria to the status quo ante would be an unsatisfactory solution. But we entirely disagree with the statement that "the maintenance and recognition of the present regime would be equally unsatisfactory." The establishment of the state of Manchukuo appears to us to be the only solution possible. It was according to this view and conviction that the Japanese Government extended formal recognition to the new State, and concluded a treaty of alliance for

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the mutual protection of the two countries. Mere consideration on our part of an alternative solution might possibly lay the whole Far Eastern situation open to serious disorders. It would immediately unsettle the feeling of confidence existing in the Manchukuo Government and among the people. It would encourage further activities from China to create disorders. We can enter into no such consideration.

The question of the genuineness of the independence movement in Manchuria was raised by the Commission. The Report states that"a group of Japanese civil and military officials, both active and retired, who were in close touch with the new political movement in Japan, conceived, organized and carried through " the independence of Manchoukuo.

The statement is not correct. The new State does not owe its organization to Japanese initiative. It is due to the people's evident wish to be rid of the Changs. It had been a terrible rule, ruthless in its oppression of the people, as the Report partially shows. It was,, therefore, only natural for the people to seize the opportunity for relief. It is a matter of history that this desire had led years ago to the cry of Paoching Anmin - which means "Preserve the frontiers and give us peace", or to use a more Western form "Manchuria for the Manchurians". The existence of this movement is no supposititious figment. Its leaders were perfectly well known and were highly reputable men. Two of the more prominent were officials of the Chang Government, both of whom had to resign to give way to the War Lord's grandiose schemes of military conquest. It was Mr. Yu Chung-han, one of Chang's former counsellors, who after September 18, became the organizer of what was called the Self Government Guiding Board. And there was also a movement to restore the Hanchu Dynasty in Manchuria, its cradle and its Crown Domain, this movement being as old as the Republic of China. The Report declares that prior to the Incident of September 18, idea of independence did not exist. The Commission seems to have disregarded much information supplied them on this subject. It is certainly difficult, I concede, for Westerners to detect and know some of the undercurrents connected with these movements in the Orient.

A little thought will show the error in the Commission's deduction. The Committee for the Preservation of Order in the Fengtien region was established as early as September 24, 1931, and was issuing declarations which contemplated independence on September 26. On that same date General Hsi Hsia declared the independence of the Province of Kirin. On the 27th, a committee was formed for the preservation of order at Harbin. On October 1, General Chang Hai-peng proclaimed the independence of Taonan. On October 17, General Yu Chi-shan, Commander of the Liaoning Army of Defence declared his independence, demanding the foundation of a Manchu-Mongol State with the former Manchu Emperor as its ruler. Can it be supposed that within three weeks of the Incident of September 18, the allegedly undesirable and unwanted Japanese officials, a comparative handful of men, could have scoured the country, changed its conviction and rallied it to turn against the old regime? That is too much flattery for us. It is giving us credit, for ability in the art of persuasion that we do not possess. But are not these various local movements a very telling indication of welcome? If they are not that, they are at least an indication of satisfaction and relief at the disappearance of the rule of Chang Hsueh-liang.

Both Baron Shidehara, our Minister of Foreign Affairs, and General Minami, Minister of War, issued telegraphic instructions on September 26, forbidding participation by Japanese military and civil officials and other Japanese in the various attempts already being made to establish a new political order in Manchuria.

Who was the most natural and logical chief executive for the new Government to seek? Can it be denied that this person was the rightful heir to the ancestral rulers of Manchuria? Or can it be questioned that there has long been a hope, as well as an actual movement, for the restoration of Manchu authority in North China? There has been, indeed, several attempts at a restoration of the ex-Emperor to the throne of China, and at one time, for a brief period, he was actually returned to authority in Peking.

In our Observations fuller details are set forth. We regret that the Commission seems to have been persuaded to accept the statements and arguments of Chang Hsueh-liang's group of adherents in preference to those of the Manchoukuo officials and supporters.

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While in several places, the Report expresses hope for China Proper, it expressed the contrary regarding Manchoukuo. Our opinion reverses these hopes. Already the Government of Manchoukuo, though hardly eleven months old, is functioning as a civil administration. It is the first civil administration the country has known since before the fall of the Manchu Dynasty twenty years ago.

While it is true that without the presence of the Japanese troops in Manchuria the new Government would have had difficulty in establishing itself, the question might be asked how the Nationalist Government could have been set up at Nanking without the aid of arms, men and money obtained from abroad?

In our Observations we have also given some details with regard to the progress of Manchoukuo. Beside the slow progress in China this progress is comparatively amazing. I need cite in evidence but one telling fact, namely, the value of the paper dollar of the Central Bank. The Commission's Report expresses doubt of the success of that Bank. But the fact is that its paper dollar stands already at a premium over the value of the silver dollar - a fact unprecedented in Manchurian history under the long rule of the Changs. While even, on one occasion, the summary decapitation of several prominent Chinese business men at Marshal Chang Tso-lin's command, was not a sufficient example to keep the price of his currency at par, the paper money of the present Government, as I have said, is already at a premium. I submit that this is extraordinary evidence of stability and of the confidence the people place in their Government. The Report also expresses possimism as regards the budgetary question. But this problem also leaves no room, as facts bear out, to any reasonable apprehension. It can be seen plainly in the report of the Financial Department of Manchoukuo. It may here be added that Manchuria has been enjoying a surplus of from one to two million yen in exports over imports for more than a decade.

It is true that the suppression of outlawry and banditry has not yet been fully accomplished. Scattered remnants of the troops of the old dictator's forces are still in arms in opposition to the new Government and the Japanese forces. Banditry has been a means of livelihood and a professional business in Manchuria for scores of years, and the territory is too wide for us to expect to suppress it, in cooperation with the Manchoukuo forces, in a few months or only a year.

The present outlawry is being, to some extent, supported from China Proper for the express purpose, - there can be little doubt, - of making a demonstration of discontent before the Western World, - while at the same time special efforts are likewise being made to cover or to excuse the warfare that prevails in China.

It is unjust to make Japan responsible for what has happened in Manchuria. We did not seek the change. Had China as a whole, or even Manchuria alone, been properly governed, had the rights and interests and the lives of the Japanese people been free from deliberately destructive efforts, there would have been no change. We acted spontaneously in self defense; and when we acted, the independence movement developed spontaneously.

It is not inappropriate to recall the case of Navarino, when a conflict was so little desired or expected that one of the governments involved described it as an "untoward event". The Egyptian armament had come to assist the Turks to suppress the revolt in Greece; they were faced by a fleet of English, French and Russian vessels, which were bent on preventing them from doing so. In that state of tension, a chance shot furnished the spark that produced the conflict. The result destroyed the Egyptian fleet and Turkish hopes, and set the seal on the independence of Greece. Yet it began in mere self defense - the return of fire. This illustrates how impossible it is to limit the consequences of self defensive measures.

We might also recall the fact that the United States sent expeditions into Mexico in the years 1916 and 1917, because the Mexican Government of the time was unable to protect the lives of its people. In the case of Manchuria the authorities themselves were actually encouraging the anti-Japanese activities. We are not to be held responsible for the results. China and the independent government of Chang Hsueh-liang are themselves responsible. It was their doing, not ours, and it was done against our repeated and persistent warnings. We have violated neither the Covenant of the League, nor the Nine Power Treaty nor the Pact of Paris.

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I would ask the Council to look at the record of Japan since she opened her doors, eighty years ago, to foreign intercourse. For three hundred years, a longer record than any other nation in the world, - we had had no foreign war. Subsequently we had occasion to participate in several. Have we sought in these wars anything but our own security from the menance of others? On the other hand, for how many years has the condition of China been a menace to the peace of the world and how long will it continue to be?

I ask of the Council a little patience. If the Western world will bestow upon us only a fraction of the tolerance it has so generously bestowed upon China it will be gratefully received.

The policy, the hope, the determination of my country is the maintenance of peace. We want war with no nation. We want no more territory. We are no aggressors. We desire deeply and earnestly the welfare of our great neighbour.

For decades the unhappy condition of China has been a dangerous influence while the policies of Japan have been the stabilizing and protective influence in the Far East. It would be difficult for the Japanese nation to understand the attitude of Western Powers if they should accuse us to the contrary.

In conclusion permit me, M. le President, again to express the heartfelt thanks of the Japanese Government and the Japanese Delegation to Lord Lytton and the other distinguished Members of the Commission of Enquiry, whose arduous travel and able work we sincerely and truly appreciate.

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Rejected

辯護局書類第一三一號

國際聯盟關係書類集よりの抜萃

第廿九乃至五〇頁一九廿二年十二月

大統領　殿

日本代表委員は、日本政府が調査委員會の報告に關して爲すのを適當と思考した見解を、國際聯盟の會議に披瀝してゐる、その報告は、全体として我々は思ふ。日本政府が全然同意の幾章や又全部の項ずらゐる。我々は委員會の圓撃にして明勉な勞苦を認た多とする、そして何はさて置き、その名だたる委員達を全体としても又個人的にも、我々は眞に多とし且感謝するものである。

然し率直に言ふと、その報告は、問題をもつと長く研究した時程、多くの推論や決論が充分でも適切でも無かつた。それ故會議の考慮を促す爲めに手數乍ら或る意見書を作製したよく調べて見て充分に考量されん事を希望する。

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中國の狀態は報告中に詳しく敍述されてゐるが、我々が同意出來ない箇々樂觀的で好望的態度が其に執られてゐると云ふのを遺憾とする。

委員會は、幾つもの省や省中の一部の自治狀態は勿論の事、獨立も標榜する三つもの政府が存在した、ワシントン會議の當時の全く別な態度に我々日本人が加擔したといつて呪る。一九二二年のワシントン會議當時には、假令中國の狀態は理想的ではなかつたとは云へ、統一と平和との回復を列强と共に希望する事が我々に出來た、又我々は喜んでそうした。十年前、共和國が宣言された時よりも狀態は惡くなつたが、然しよく成る事を希望した。今や更に十年間過ぎたが狀態はよく成つて居らぬ、一層惡くなつてゐる。

通例將領と呼ばれる軍事上の指導者が目下綺麗星の如く割據してゐる。外蒙はソビエット化してゐる。チベットは中國と戰爭してゐる。トルキスタンはかの名義上の獨立國とは殆ど全く接觸してゐない。國民政府を始め揚子江口附近の僅々數省の軍隊が支配してゐる。山東省はも一つの將軍達の爭で苦しんでゐる。四川省は亂れてゐる。廣東派は一致せず敵視

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し合つてゐる。そして委員會が報告する樣に、他の方面からの卽ち共産主義の脅威がある。

ワシントン會議當時には中國には共産主義の脅威は無かつた。それは一九二五年に孫逸仙博士が中國に入れた一つであつた。武器、資金、軍事專門家及び訓練された ロシヤの宣傳家といふ、方面の助けを待て、かの有名な革命家は國民黨運動を統一組織する事が出來た、そして彼が死んだ時蔣介石將軍が指導權を握つた。

將軍は、ロシヤの根據地と意見が合はず、國外に追出した、そして今日中國の指導者達の行ふ共産主義運動と、殊に、山西省、福建省、廣西省卽ち中國の中心で戰つてゐる。然し蔣將軍が主宰者である國民政府及び之を支持する國民黨は、數年以前に、諸外國政府に、上海の警備隊を增兵をした主義か、捨ててゐない。

外國の軍隊卽ち日本加に歐米の軍隊は、卅數年間中國に駐屯し、外國の海軍艦船は同じ位長い間揚子江を警備して居つた。是等の外國軍は、警に商賣や旅行で歩く範圍を超えて、遠く踏み出すかも知れない、自國民

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の保護の爲めばかりでなく、首都北京（今の北平）や新都南京に於ける自國の公使館をさへ保護する爲めに置かれてゐる。

承認された政府への信任狀を與へられてゐる全權公使の生命が、その安全を圖る必要上、軍隊又は軍艦を隨行せねばならない時は、異常な事態ではないか。かかる狀態が他の何處の世界にあるか。中國に、外國の駐海軍の兵が居るのは、單に形式上の事でゐるか。殘念ながら然らずである。一九二七年に南京の外國領事館が、國民黨軍の一派の將兵に攻撃され、アメリカ及び英國の海軍艦船がその領事及び領事の妻子の生命を救ふ爲めに、軍事行動を執つたのを記憶するだらう。

又諸國及び兵隊による、外國商船の攻撃も止まなかつた。特に過去七年の間に、卽ち國民黨政府が、所謂不平等條約を終らせようと決めてから外國の海軍艦船卽ち日本以に欧米の艦船は、軍隊及び諸國軍と數多衝突してゐる。

假令平時に於てすら、我が政府は英國や米國の政府よりも中國本土に軍隊及び軍艦を少く置いてゐても、遙に多くの人々を保護せねばならない。

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中國の條約港に居住して商賣を營む日本人の數は、他の外國人を合計したものゝ數倍になつてゐる。私がこう言ふのは、我々は、出來るだけ少い兵力を用ゐようと努めたのみならず、又出來るだけ多く兵力を發揮しようと圖つた事を、示す爲めである。

中國と列强との關係は、過激思想が採用されてから改善されてゐない、聯盟の委員會が報告してゐる樣に、二つの海岸ボイコットの利用と學校に於ける排他宣傳の致入れで、國民黨は、支那の爭を醸し出した　國家を造り出すのに與つて力がある程に、されて來てゐる委員會は「孫逸仙博士の思想は、過去の世紀の古典と同じ權威を持つてゐるかの樣に學校で敎えられてゐる。彼の言は革命前の時代に、孔子の言が受けたと同じ尊敬を受けてゐる。然し不幸にも青年の敎育では、國家主義の否定的方面が、建設的方面よりも注意を拂はれて來てゐる。學校で使用されてゐる敎科書を熟讀すると、讀んだ人の心に、敎科書の著者が憎惡の熱情を以て、愛國心を燃やそうと圖り、危害の念を土臺に其の上に男らしさを築き上げようと企ててゐるといふ印象が殘る。學校

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に始まり、公生活の全部面に行はれたこの有毒な排他宣傳の結果は、學生を政治活動に從事させて、遂には大臣其他當局者の身体家庭又は役所を攻撃させ、且政府を轉覆しようと企てるに至らしめてゐる。」と云つてゐる。

國民政府には強い排他感情がしみ込んでゐて、努めて青年層の心の中に外國人憎悪の念を注入しようと働いてゐる。中國五千萬の青年は、激しい思想の影響を受けて成長してゐるが、斯様にして直ぐの將來に禍じい問題を持へてゐるのだ。

假令中國の軍勢は全部で二百萬を超えてゐようか、國防の爲めに編成されたり、國防の積りでゐるものは少い。列强側で、中國が非道をしたと主張するのに、吉抗して、武力抗爭とは別の方法が屢々用ひられて來た之はボイコットである。卽ち通商條約又は和親條約に反する一種の敵對行爲である。その結果は往々戰爭と認められるものよりも、もつと長時日に亘り、もつと悪いもので、又もつと處理に困難を來すものである。それは陰險性の戰である。

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我が中國在留民は、多年に亘り、日々の食糧すら絶たれる事のあるこの憤行行爲に、苦しめられて來た。多くの者は破滅せしめられた。中國立に內地に於ける多くの我が產業は、重大の損害を蒙り、中には事實上破壞されたものもあつた。若し之が我が商品を買ふ者達が我々を嫌ふが爲め自發的に自然に起されたものなら、餘り苦情も云はないだらうが、然し之は、國民黨や政府の官吏さへもが鼓吹し組織した制度である。之は外國に中國に對する條約上の權利を必ず履棄させようとの國家政策の手段に、利用されてある。世界の列强は、條約によつて武力行使の戰爭を不法なりとして來てある。予は何故ボイコットが、公的又は半官的性質を帶びた時、國際聯盟によつて咎められ不法なりとせられなかつたかと、委員會に尋ねて見たい。この種敵對行爲を受けたものは日本人計りでない。英國や米國すらもボイコットされた。然し我々他の國家よりも一層支那貿易に依存する者は、近年この攻撃を受けて來てある。委員會は「日本が、中國の最隣人であり最大顧客である限り、他の國よりも一層不法狀態に苦しんでゐる」事を指摘した。我々は、中國と和親しようと、長

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く顧刻に努力したに拘らず、ボイコットされてゐるし、然し我々が、寛容的態度を長く守れば守る程、敵對行爲は激しくなつて來た。我々の寛容は、表面上中國から弱さと間違はれて、その政派を跋扈して我々を害せんとする努力の組織化を進めさせる樣に見えた。

予の言の中で、予は、どうしても中國の行爲を反省させる樣に見えるに違ひないので、予は、時々報告中には該はれてゐない觀念、即ち日本は中國國民に對し恨みの念又は敵意を抱いてゐるといふ觀念を抱懷するのが良いかも知れない。日本政府は、中國民は甚だ指導を誤まられ、甚だ危害を蒙り、又大ひに誤解されてゐると信ずる、而して彼等の主なる望みは、平和的雰圍裡に彼等の勤勉の結果を樂むにあると信ずる。日本は昔からの友好的態度を保持しながら、兩國家に互合ふ親睦的協力の時代が、到來せん事を期待してゐる。

日本の狀態に就いてはこれだけにする。之から離じて說く滿洲に於ては排他的煽動運動が我々に向つて集中された。

滿洲の執權張作霖が、一九二八年に死ぬ迄は、この種の虐動運動は滿洲

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には許されてなかつた。この老元帥は、賢明にも之を防止してゐた。然し彼の息なる吉元帥張學良が、父の財産と權威を承り繼ぐと、彼は蔣介石將軍と仲直りして、中國本土からの代理者を滿洲に入るを許し、且直後反日の宣傳を行ふを許可した。日本が滿洲に於てから得た全この權利は、回復せらる可きものでおつた。日本が鐵道鑛山其他の事業にした投資は、中國居衆に計り知れない利益であつたが、取り去つて仕舞ふ可きものでおつた。彼等は、徐々に責められて、滿洲から取り去られた。小册子や書き物が印刷されて領布され、宣傳ビラは、都會の壁間に貼り出され、滿洲は之の目的で、公私とも行はれた。排他宣傳に訓練され、經驗を積んだ宣傳家が、その仕事を指導した。張學良の三十萬以上に上る軍隊は、この主義を敎へ込まれた

委員會は、この運動を詳細に論じて曰く、「國民黨はその公けの出版物でも、又多數の政治的關係のある機關でも、又第一に重要な事や、帝國主義の惡いこと等を主張するのを止めなかつたと。委員會は、又續けて曰く、かかる宣傳は、中

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國の國土に、現に、外國の權利、設例所、警察があり、警備兵又は軍隊が居るので明かな滿洲に於て、深奥な印象を與すに決つてゐた。滿蒙人民外政協會の如き團體が現れた。彼等は排日煽動運動を鼓吹し且實行した。中國人で家屋所有者や地主である者に、壓迫を加へ、日本人及び朝鮮人の借家借地人たる者の家賃地代を上げさせ、又借家借地契約の更改を拒絶させた。朝鮮人の居住者は組織的に迫害を受けた。滿々排日的性質を帶びた命令や訓示が發せられた、一九廿一年四月蒼天に開かれたかの人民外政協會の會議で、日本の滿洲に於ける地歩を抹消する可能性が討議され、南滿洲鐵道の回復が、採擇された決議中に含まれて居つた。」と日本は、滿洲に於ける、その權利及び財產も抛棄する意思を有しなかつた、そして繰返して其事實を明かにした。日本は、公然と強盜自身及びその部下の行爲及び文官に警告してゐつた。日本は、滿洲を戰時上からも經濟上からも、樞要なりと認め、滿洲に保持する特殊の地歩の變改を、決して喜ぶものに非ずといふ事を、全世界に知らして居つた。然し日本は、條約でかち得た權利及び日本の財產を、保存するより他、

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何等の意圖なしと言つて居つた。日本は、支那の宗主權の虛構なる事を、
認識すれば事足りたのであつた。日本は又、全國家の貿易に對する門戸
解放機會均等の國際政策を、吃度守つて居つた。日本と同一の場合に置
かれた西洋諸國が爲はしたであらうものに、更に劣らぬ忍耐さを、表し
た。然れども破局點に立到つた。日本は、それは、更に更にもつと忍耐
はするが、限り無くは出來ない。昨年九月十八日の事件は一觸卽發の導
火線であつた。

その事件に關して、委員會の報告は、鐵道になされた損害其のものは、
何も軍事行動を起す程のもので無かつたと云つてゐる。成程それだけを
考へれば、暴破が起つたといふ事は全く大した事でない。然し是處で報
告は、事態の重大なる背景を充分考慮に入れる事をせずにゐる。事件が
他の時に起されたのであつたなら、委員會の見解は間違ひなく正當とさ
れたであらう。遂に重大な事件で、紛ふ方なく中國兵が行つた、急行列
車を破壞して多數人命を奪つた事が、數年前に、この現場から遠くない
所で起つたが、その時は、そんなに緊迫した時勢でなかつたので、何等

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重大な進展をせずに終つた。然し一九廿一年九月十八日の場合には、然迫欣慰はずつとひどく、併ふ結果は重大であつた。この場合、爆發が中國軍隊よりの發砲で始まつた事を亦記憶せねばならぬ。

滿鐵沿線に散在する我軍隊が、司令部より命令が來ない前に孰つた敏速な行動は、相互の猜疑が如何に深くなつてゐるか、又日本の軍隊及び在留日本人が、重大な危險に曝されてゐるかを認識しない人々には、驚く可き事だと思はれるかも知れない。他の組織化された軍隊の如く、日本の軍隊も必ずや萬一に備へて居つたに相違ない。外國の領土に、又はその近隣に駐屯してゐる場合、殊に屢々事が起されて敏速な行動がどうしても必要となつて來てゐる場合、軍といふものは、常へに考へ抜いた非常方策を立てて居らねばならない。日本軍は之を持つてゐた。非常方策を準備して居らないと、明かに任務解怠であつたであらう。何故かならば我軍はその數一萬四百に過ぎず、飛行機を有し充分武器の貯へある中國第一と認められてゐる、兵力廿倍の軍に取巻かれて居つたのであるから、日本軍は、壓倒されるのを防ぐ爲めに、

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一つの方策を待たねばならなかつた、而して一度警報が出た場合には、その行動は殆ど自主的であつた。報告に云つてある通り、事實それは迅速且正確に實施された、正しく然りであつた。

九月十八十九日の事件を扱つて、委員會はその夜の日本軍の軍事行動は正當防衛の手段と認むるを得ずと云つてある。我々は之に同意する事は出來ない。

一九廿八年六月廿三日に出した國務長官ケロッグ氏の覺書にある、正當防衛權に關する章句は下の如くである。

「㈠自己防衛。米國の不戰條約草案には、如何なる遣り方でも、防衛權を制限したり損ふ事は更に述べてない。その權利は、各獨立國が自然に持つてゐるものであつて、總ての條約中に明記されてない。各國家は、何時もその領土の攻撃又は侵略されるのを防ぐのは、自由であつて、條約の條項に拘はらない、而して各國は自己だけで、自衛上狀態が戰爭せねばならぬか否かを決める資格がある。」

その條約の批准された當時、米國上院が採擇した決議は次の通り述

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べてゐる。

「自衛權の行使は、之を行使する國家の領土支配權の範圍を超えて、その效力を及ぼすかも知れず、又屢々及ぼしてゐるといふ事は、分り切つた事である。」

又オーステイン。チエムバレン卿が一九廿八年五月十九日及び七月十八日に出した手紙を引用しよう。

第一は言つてゐる。

「4ヶ條米國草案の第一條の語句の使ひ方を研究した後、英國政府は、その字句が、一國が自己防衛をせざるを得ない行動を除外してゐるとは思はない。ケロッグ氏は、予が上に參照した演說中で、自衛權に參ふべからざるものと認める、といふ事を明かにして居つた、而して英國政府に關しては、本文中に何等附加する必要なし云々と」思考し居い。

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一〇、國策の具としての戰爭の放棄に關する第一條の用語は世界の現
る地方には其の地方の平和と保全が吾々平和と安全に對する特別且
重要なる影響を有せしむるものゝあることを閣下に御注意申上ぐる
ことを望ましくするものである。陛下の政府は之等の地方との衝突
を忍ぶことの出來ないことを過去に於て明にする爲に誇心して來た
政策に對する之等地方の保護は英帝國に對し自己防衛の手段を取る
ことである。英國に於ける陛下の政府は之に關し自國の行動の自由
を害しないと言ふ明瞭なる了解の下に新條約を容認することは無論
のことであるとせねばならない。米國政府は比較しがたき利害關係
を有して居て之を一外國が看視することは非友誼的行爲と看做すこ
とを宣言して居るのである。それ故陛下の政府は自己の立場を明に
するに當つては米國政府の意志と意味を表明して居ることを信じて
居る」

オーステン、チエンバーレン氏の第二の答辯は左の如く述べて居る
「自分は四月二十九日ケロッグ氏の爲した演說に表明せる同氏の意

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見に全然一致して居る。其の意見と言ふのは其の提案せられた條約は自己防衛の權利を何等制限し又は害するものに非ず又各國は如何なる事情が自衛のための戰爭を必要とする自己防衛の爲めを決定することが出來るとの同氏の意見にも一致するものかり」と言ふ一九二九年七月十四日の回答に於て佛國政府は獨逸政府の申し出と同樣の見解を發表せり。

之等の通知を受けた日本政府も亦「米國の提案は獨立國家に自衛權を否認するが如き何物をも含んで居ないものと了解する」と「一九二八年五月二十六日附の米國大使への覺書に歸調することと、失念しなかつた。

之等の明瞭なる留保にも拘はらず又其の當時吾々の利益、吾々の國民及財產に對し行はれて居る組織的の敵意に鑑み本件に關しては自他共に許す裁判官たる日本政府は自國軍隊の行動はパリ條約が如何なる點にも敢て問題とせず又は否認するが如きことのなきはど明瞭に認むる權利たる自衛の行爲なりと解して居る。

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「滿洲事件を何が故に吾々は國際聯盟に移牒せざるや」との質問は從來屢々尋問せられたる問題である。其の回答は簡單に言へば先づ第一に日本の國民感情は滿洲問題に於て外部の干渉を許さなかつたからである。第二には若し吾々が事件を國際聯盟に移牒したとすれば滿洲人を含む日本國民の立場が常に聯盟手續に起り勝ちな遲延の爲非常に害せられたに違ひなかつたからである。第三には日本人と西洋人との間に必然的狀態が異つて居るからである。卽西洋人は事態が重大とならない內に論議し始むるも日本人は僻決の希望を以て余りにも長く主張するのである。第四には圖らずも決裂點に達する時は事件は事件本來の道を辿るのである。

滿洲に關しては吾々が會議に提出した意見書は委員會の報告とは本質的に異つて居る。吾々は滿洲は全然支那の一部なりとの主張に反對するものである。滿洲は明瞭に而も殆んど專ら現世紀の初期迄滿洲の王朝所屬直轄領或は個人の土地であつた、而して支那の如何なる政府も之を管理して居なかつたのであつて必要の生じた時にのみ指導者は

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支那政府と結合することを適當として居たのである。吾々は意見書に於て多少詳細にこの點を論じておいた。

共和政治の全期間中滿洲を統治して居た張作霖及張學良は全然彼等の意志及利益よりして支那の一派又は他の一派とは獨立し或は之に結合せしも支那本土の如何なる權力も彼等を壓迫する立場にあつたのである。

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吾に功名な與ふるの恐れある。然し之等の種々なる消方的運動は觀迎の旨語を徹底なりさ言はずして何であらうか。若し其の運動は然らずさするも少くさも張學良政治の消滅に依り滿足さ安心の徹底である。

外務大臣幣原男爵及陸軍大將南大將は九月二十六日訓電を發し滿洲に於て新政治機關の計畫に日本の官人が關與することを禁止せり。

新政府に對し最も自然的にして且合理的な行政長官に如何なる人物を求むべきや。之の人物は滿洲の世襲統治者の正當なる後繼者たるさは否定し得るであらうか。又北支那に滿洲主權の復歸に付多い他の希望さ運動があつたことが疑問さされ得るであらうか。尚に前皇帝の支那帝位への復古に付種々なる計畫があつたのである。そして一時期間彼は現實に北京に於て復位した。

吾々意見書は更に詳細が述べられてある。委員會は張學良一派の旦及評論を滿洲國官吏及支援者のそれよりも優先的に受入れる傾向が見られた樣子なるも吾々は之を遺憾さするで

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吾々は満洲を以前の状態に復帰せしむることは不満足なる解決なりとする委員會の意見に全然一致するものである。然れども吾々は「現在の政体の維持及承認は又不満足なり」とする意見には全然一致して居るものではない吾々は満洲國の建國は可能なる唯一の解決策なりと思料する。日本政府が此の新國家に正式の承認を與へ諸國の相互保證同盟條約を締結したのも此の見解と信念に從つたものである。」

吾々が右何れかの解決策を單に考慮することさは全般真情勢を重大なる混亂に導く可能性があるのである。それは満洲國政府及其の國民の間に存在する信賴の念を直に動搖せしむる樣一層支那の活動を促すことさなる。故に吾々は斯かる考慮をめぐらすことさは出來ないのである。

満洲の獨力運動の眞否問題が委員會に於て取上げられた。委員會の報告書は「日本に於て新政治運動に直接間與して居た官吏並に現役及退役の日人の一團が満洲國の獨立を工作し編成し且行つた」さ述べて居る。

其の報告書の載ずる所は正確なものに非ず。新國家の建設は日本人の

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發意に依つたものではなくて張の時好より脱せんさする國民の曰瞭なる希望より出でたものである。報告書が一部示す如くそれは恐るべき統制であり國民の殘忍なる壓迫であつた。それ故之を救濟する爲此の機會を利へることさは國民に取り當然の事であつた。之の希望が多年前一國境を保存やよ而して吾々に平和を與へよ」さ意味する「親情安民なる叫を生ぜしめ或は西洋流の「滿洲人の爲の滿洲」を使用する様にせしめたのは歷史の事實である。之の運動は決して屢の作り事ではない。其の指導者は全く知名にして非常なる名譽家であつた。一屆侍越なる二人の人物は張政府の官吏であつたが兩人共皇室君主（張一の大的宣征門許書に進歩する爲辭職の巳むなきに至つたのである。九月十八日以後自治指導員さ稱する役所の創立者さなつたのは張の前屆の一人なる干冲漢であつた又淸王朝の捲盛の功にして淸朝直轄領たる滿洲には淸王朝復辟運動があつた。之の運動は支那共和國さ同程度に古いものであつた。報告書は九月十八日の事變以前には獨立の觀念は存在して居なかつたさ述べて居る。爰實念は太閤閤に關し提供せられ

たる諸情報は之を看視した迄である。貴洋に於ける之等の運動に関する底流の何物かを看破することは西洋人には正に困難であると私は信ずる。

少し後へた丈けである委員会の指定には謂りあることが判明する。奉天地方の治安維持委員会は早くも一九三一年九月二十四日に設立せられ、九月二十六日獨立計畫の聲明を發表した。其の同日關東軍大將は吉林省の獨立を贊成した。

二十七日吉林治安維持の爲委員会が成立せられた。十月一日張海鵬大將は滿蒙の獨立を布告した。十月十七日遼寧警備司令官于芷山大將は其の獨立を宣言し前滿洲皇帝を首領さする滿蒙國家の建設を要求した。九月十八日の直前の僅か三週間以内に餘り好もしからず且つ不必要さ考へらるる此般的少數の日本人官吏が滿洲國を產出し、其の國の信念を轉換し、祖政府に反抗せしむることが出來るさ想像し得るであらうか。それは吾々に取つては余りにもお世辭の甚だしいものさ言ふべきである。それは吾々が所有して居ない說得の技術の才能に對し吾

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辯護側書類第一三一號

或ル諸點ニ於テハ報告書ハ支那本國ニ對シ希望ヲ示シ滿洲國ニ對シテハソノ反對ヲ表明シタ。シカシ吾々ノ意見モ支那本國ニ對スルカ、ル期待ヲ覆スモノデアル。滿洲國政府ハ建國以來僅カ十一ケ月ヲ經過シタバカリデアルガ既ニ民政ヲ施イテヰル。之ハ二十年度滿洲五朝ノ瓦解シテ以來始メテ施カレタ民政デアル。

滿洲ニ於ケル日本軍ノ存在ナクシテハ新政府ノ建設ハ困難デアッタニ違ナイコトハ事實デアルガ同時ニ然ラバ國民政府ト雖モ武器、人及金ニ關スル外國ノ援助ナシニ之ヲ南京ニ建設デキタデアロウカトノ設問ニ成リ立ツ譯デアル吾々モ亦吾々ノ意見書ニ於テ滿洲國ノ發展ニ關シ多少總述シテキタ、支那ニ於ケル最近ノ緩漫ナノニ比ベルト滿洲國ノ發展ハ驚嘆スベキデアル。之ニツキ私ハ最モ效果的ナ一事實ヲ證左トシテ引證スルガケデ充分デアラウ、卽チ中央銀行發行ノ紙幣ノ價値デアル。委員會ノ報告書デハ銀行ガ果シテ之ニ成功スルヤ否ヤニ關シ疑問ヲ表示シテヰルノデアル、然ルニ事實ハ中央銀行ノ紙幣ノ價値ハ既ニ銀貨ノ表示價格ヲ上廻ル樣ニナッタ。カ、ル事實ハ永イ間

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ノ張家治下ノ滿洲ノ歷史ノ如ニ費テナイコトデアル。張作霖ガカツテ其ノ紙幣ノ平價維持ノ爲メニ命令ヲ以テ立チドコロニ數人ノ支那實業家ノ誅首ヲ敢テ誠ミタニカヽワラズ成功シナカツタノニ反シ、現政府發行ノ紙幣ハ既述ノ如ク既ニ數百以上ノ價値ヲ保持スルニ至テヰル。私ハコノ事實ハ現政府ノ安定性ト國民ノ現政府ニ對スル信賴異常ナル整備ニ他ナラヌト主張シタイノデアル。報告書ハ又勤勞問題ニ關シテ殊ニ論ヲ述ベテヰルガ然シコノ問題モ事實ガ證明シテヰル通リ到底重ヲ置クニ足ル心配ノ起リ得ベキ餘地ノ無イ問題デアル。即チ滿洲國政府ノ勢告ニヨツテモ明白デアル、尙コヽニ附加シ度イノハ滿洲ハ十ケ年以上ニ亙リ歐洲大陸ニ於ケル戰爭ニ關與シナカツタ國乃至數百萬圓ノ輸出超過ノ好況ニアルコトデアル。

土匪、匪賊ノ未ダ完全ニ鎭定サレテヰナイコトハ事實デアル。各地ニ散在セル舊統治者ノ軍隊ノ殘存勢力ガ當武裝ノマヽ新政府並ニ日本軍ニ反抗シテヰル。匪賊ハ滿洲ニ於テハ數十年コノ方一ツノ生活手段ト化シ職業化シテ來テヰル。故ニ吾々ガ滿洲國軍ト協力シテ數ケ月ヤ一ケ年位デ之ヲ鎭壓シテモ果シテ得ナイノデアル。

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今日ノ混乱ハ成ル程度支那本國カラ明白ナ目的ノ爲メニ援助サレテキルコトノ事實ハ殆ド疑フ餘地ガナイ即チ西欧諸國ニ對スル不滿ヲ表示センガ爲メデアル同時ニ又支那ニ於ケル戰爭氾濫ノ申譯ノタメニモ並ニカラヌ努力ガ拂ハレテキルノデアル滿洲ニ起ッタ事件ニ際シ日本ニ責任ヲ負ハシメルコトハ正シクナイ。吾々ハ決シテ今度ノ變革ヲ求メテヤッタノデハナカッタノ若シ支那ガ全体トシテ否滿洲バカリデナク適當ニ統治サレ且ツ日本人ノ精神ト生命ガ放棄ノ侵害行爲カラ保護サレテイタナラバ何等ノ變革モ起ラナカッタデアロウト思フ。吾ルハ自衛ノタメニ自發的ニ行動シタノデアッテ滿洲ノ獨立運動ハ自發的ニ進展シタノデアル。

コヽニ「ナヴァリーノ」事件ヲ引用スルノモ強チ不適當デハナイト思ハレル。何トナレバコノ事件ニ於テモ關係諸國間ニ紛爭ヲ起サウトスル意圖ガ始ドナク、ソノ中ノ一記ノ如キハコノ事件ヲ「不幸ナ事件」ト稱シタ程ダッタカラデアル。

埃及ノ軍隊ガ希臘ニ於ケル反亂ヲ鎭壓センヨリタ土其古ヲ援ケンガ爲メニヤッテ來タ。然レ埃及軍ハソノ援助ヲ飽クマデ阻止セムトスル英佛露ノ艦隊ト直面スルニ至

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ツタ。ソノ結果埃及ノ態度ハ著シク変化セラレ土耳古ノ希望ハ全然挫折サレ希臘ノ独立ガ承認サレルニ到タノデアル。然カモ埃及ハ自治ニ対スル希望ノ表現ニ於テ決シテ過激ナ行為ニ出デタノデハナイ。コノ事実ハ自治手段ノ及ブ範囲ヲ限定スルコトノ如何ニ困難ナルカヲ説明スルニタルモノデアル。

吾々ハ又一九一六年及一九一七年ニ合衆国ガ当時ノ「メキシコ」政府ガ合衆国民ノ生命ヲ保護スル能力ナキトノ理由ノモトニ派遣シタ遠征ヲモノコトヲ想起スルモ差支ナイト思フ。満洲ノ事件ニ於テハ当局者自身ガ現実ニ排日行為ヲ煽動シタノデアル。従テ吾々ハ所謂行為ノ結果ニ対シテ責任ヲ負フベキモノデハナイ。文部及ビ張作霖独立政権ニ於テ責任ヲ負担セナケレバナラヌ。満洲ノ事件ハ彼等ノ行為デアツテ吾々ノ行為デハナイ。然カモ事件ハ吾々ガ屢々且ツ強硬ナ警告ヲ与ヘタニカヽワラズ遂行サレタモノデアル。

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吾々ハ聯盟規約ヲ破ッタコトヲナケレバ九ケ國條約ヲ無視ヲヤズマタ巴里條約ニ違反シタコトヲナイ。

私ハ理事會ニ對シ、日本ガ諸外國ト交通ヤンガ爲メニナシタ開國八十年來ノ歷史ヲ御檢討願度イト申上グタイ。三百年ノ間ー世界ノ何レノ國家ニ於テモ例ノ無イ長イ期間ー吾々ハ且テ外國ト戰端ヲ開イタコトガ無カッタ其後ニ到テ二、三ノ戰爭ニ於テ吾々ハ他國ノ脅威カラ吾々自身ヲ安全ニ守ラムトスル以外何ヲ求メタデアロウカ。然ルニ一方支那ニ於テハソノ國內情勢ガ如何ニ長ク世界平和ヲ脅威シツツアルコトガ尙又今後イツマデカ、ル情勢ガ續ヤントスルコトカ。

私ハ理事會ニ對シ少々ノ御辛抱ヲ御願スル。若シ西歐諸國ガ支那ニ對シテ與ヘラレタ程ノ雅量アル寬容ノホンノ一片デモ吾々ニ與ヘラレルナラバ吾々ハ感謝シテ之ヲ受ケルデアリマヤウ、

我國ノ政策、希望、終局ノ目的トスルトコロハ平和ノ維持デアル、吾々ハ如何ナル國家ニ對シテモ、戰爭ヲ欲シナイ。

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吾々ハ之以上領土ヲ欲求シナイ。吾々ハ侵略者デハナイ。吾々ハ偉大ナル隣国ノ福祉ヲ心カラ熱意ヲ以テ希願シテヰル。

数十年ニ亘リ日本ノ諸政策ハ極東ニ於ケル安定的且ツ防衛的勢力トナツテ來タノニ反シ、支那ノ不幸ナル国内情勢ハ極東ヲ危険ニ陥ラシムトシタ。ソレ故ニ若シ西歐諸国ガ吾々ヲ反對ノ意味ヲ以テ糾彈ヤントスルナラバ日本国民ハ西歐諸国ノ斯ル態度ヲ諒解スルニ苦ムニ相異ナイ。

最後ニ理事閣下ニ對シ、日本政府ト日本代表ニ代ツテ、御苦勞多キ旅行ト吾々ノ心ヨリ感謝スル有能ナル御仕事ヲ果サレタ「リットル」卿始メ他ノ著明ナル調査委員各位ニ對シテ重ネテ深甚ナル感謝ノ意ヲ表スルコトヲニ御許シアラムコトヲ希フ次第デアル。

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DEF. DOC. #135

EXCHANGE OF NOTES BETWEEN GOVERNMENTS OF JAPAN AND THE UNION OF SOVIET SOCIALIST REPUBLICS (2).

Dated at Tokyo, March 23, 1935.
Published March 25, 1935.

Tokyo, March 23rd, 10 Showa (1935).

Monsieur l'Ambassadeur,

As the result of the guarantee given this day by the Japanese Government to the Government of the Union of Soviet Socialist Republics regarding the fulfilment by the Government of Manchoukuo of all the obligations of payment which the latter are under in favour of the Government of the Union of Soviet Socialist Republics in accordance with the provisions of the Agreement for the Cession to Manchoukuo of the Rights of the Union of Soviet Socialist Republics concerning the North Manchuria Railway (Chinese Eastern Railway), signed this day by the Plenipotentiaries of the Union of Soviet Socialist Republics and Manchoukuo, I have the honour to inform Your Excellency as follows:

In case any difficulties should arise in connection with the execution of payments on the part of the Government of Manchoukuo, the Japanese Government will make every effort necessary under the given circumstances in order that the Government of the Union of Soviet Socialist Republics may receive all the payments due to them from the Government of Manchoukuo wholly and within the respective limits of time prescribed by the said Agreement, so that the Government of the Union of Soviet Socialist Republics may suffer absolutely no loss in connection

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with the said difficulties.

I avail myself of this opportunity to renew to Your Excellency, Monsieur l'Ambassadeur, the assurances of my highest consideration.

(Signed) KOKI HIROTA.

His Excellency
Monsieur CONSTANTIN YOURENEF,
Ambassadeur Extraordinary and
Plenipotentiary of the Union of
Soviet Socialist Republics to Japan.

Tokyo, March 23rd, 1935.

Monsieur le Ministre,

I have the honour to acknowledge the receipt of Your Excellency's Note of to-day's date, in which you are good enough to inform me as follows:

"As the result of the guarantee given this day by the Japanese Government to the Government of the Union of Soviet Socialist Republics regarding the fulfilment by the Government of Manchoukuo of all the obligations of payment which the latter are under in favour of the Government of the Union of Soviet Socialist Republics in accordance with the provisions of the Agreement for the Cession to Manchoukuo of the Rights of the Union of Soviet Socialist Republics concerning the North Manchuria Railway (Chinese Eastern Railway), signed this day by the Plenipotentiaries of the Union of Soviet Socialist Republics and Manchoukuo, I have the honour to inform

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Your Excellency as follows:

In case any difficulties should arise in connection with the execution of payments on the part of the Government of Manchoukuo, the Japanese Government will make every effort necessary under the given circumstances in order that the Government of the Union of Soviet Socialist Republics may receive all the payments due to them from the Government of Manchoukuo wholly and within the respective limits of time prescribed by the said Agreement, so that the Government of the Union of Soviet Socialist Republics may suffer absolutely no loss in connection with the said difficulties."

In reply, I beg to state that I take note of your communication as above mentioned.

I avail myself of this opportunity to renew to Your Excellency, Monsieur le Ministre, the assurances of my highest consideration.

(Signed) C. C. YOURENEFF.

His Excellency
Monsieur KOKI HIROTA,
Minister for Foreign Affairs
of Japan.

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Def. Doc. #153

C E R T I F I C A T E

Statement of Source and Authenticity

I, HAYASHI, Kaoru, Chief of Archives Section, Japanese Foreign Office, hereby certify that the document in English hereto attached, consisting of 5 pages and entitled "Exchange of Notes between Governments of Japan and the Union of Soviet Socialist Republics (2)" is an exact and true copy of an official document of the Japanese Foreign Office.

Signed at Tokyo on this
17th day of Sept., 1946

K. HAYASHI
Signature of Official

Witness: Nagamaru ODO

PURL: http://www.legal-tools.org/doc/67a419/

DEF. DOC. #133

支拂保障ノ效果ニ關スル日本國「ソヴィエト」社會主義聯邦間交換公文

昭和一〇年（一九三五年）三月二三日東京ニ於テ
昭和一〇年（一九三五年）三月二五日告示

外務大臣ヨリ「ソヴィエト」聯邦大使宛往翰

以書翰啓上致候陣者本日「ソヴィエト」社會主義共和國聯邦及滿洲國ノ全權委員ニ依リ署名セラレタル北滿鐵道（東支鐵道）ニ關スル「ソヴィエト」社會主義共和國聯邦ノ權利ヲ滿洲國ニ讓渡スル件ノ協定ノ規定ニ從ヒ滿洲國政府ガ「ソヴィエト」社會主義共和國聯邦政府ニ對シテ負フ一切ノ支拂義務ノ滿洲國政府ニ依ル履行ニ關シ本日日本國政府ガ「ソヴィエト」社會主義共和國聯邦政府ニ與ヘタル保障ノ結果トシテ本大臣ハ閣下ニ左ノ如ク通報スルノ光榮ヲ有シ候

滿洲國政府ニ依ル支拂ノ實行ニ關シ何等カノ困難生ズルガ如キ場合ニハ日本國政府ハ「ソヴィエト」社會主義共和國聯邦政

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府ガ滿洲國政府ノ之ニ對シテ負ヘル一切ノ支拂ヲ全部且前記協定ニ依リ定メラレタル各期間内ニ又ケ以テ「ソヴイエト」社會主義共和國聯邦政府ガ右困難ニ關聯シテ右對ニ何等ノ損失ヲ蒙ラザル爲當該事情ノ下ニ於テ必要ナル一切ノ努力ヲ爲スベシ

本大臣ハ玆ニ閣下ニ向テ竈テ敬意ヲ表シ候　敬具

昭和十年（千九百三十五年）三月二十三日東京ニ於テ

廣田弘毅

日本國特命全權大使

「ソヴイエト」社會主義共和國聯邦特命全權大使

「コンスタンチン、ユ！レネフ」閣下

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以 拳 勒

本日附書上致候「ソヴィエト」政府ノ意向ハ「ニューヨーク」ニ於ケル日本大使ニ通報スル筈ニ付「ニューヨーク」ニ於テ御連絡相成度

本日「ロンドン」ニ於ケル日本大使ヨリ外務大臣宛左ノ如ク来電

「ロンドン」発

昭和十九年十二月二十日後九時

本省

第二四一九号

本日「ロンドン」ニ於ケル「ソヴィエト」大使ハ「ニューヨーク」ニ於ケル日本大使ニ対シ左ノ如ク申入レタリ

「ソヴィエト」政府ハ保障国トシテ日本ト中華民国トノ間ニ平和ヲ回復スル為メ「ソヴィエト」政府ノ援助ヲ日本政府ヨリ求メラレタルニ付テハ「ソヴィエト」政府ハ日本ノ為ニ此ノ援助ヲ与フル用意アリ

「ソヴィエト」政府ハ日本ノ為ニ中華民国ト

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定ニ依リ定メラレタル各期間内ニ受ケ以テ「ソヴイエト」邦
命主義共和國聯邦政府ガ右困難ニ關聯シテ當面ニ何等ノ損失
ヲ蒙ラザル爲當該事情ノ下ニ於テ必要ナル一切ノ努力ヲ爲ス
ベシ」

本使ハ回答トシテ前記閣下ノ御通牒ヲ了承スル旨茲ニ陳述致候

本使ハ茲ニ閣下ニ向テ重ネテ敬意ヲ表シ候

千九百三十六年三月二十三日東京ニ於テ

敬具

日本國外務大臣
廣田弘毅 閣下

PURL: http://www.legal-tools.org/doc/67a419/

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C E R T I F I C A T E

Statement of Source and Authenticity

I, HAYASHI, Kaoru, Chief of Archives Section, Japanese Foreign Office, hereby certify that the document in Japanese hereto attached, consisting of 4 pages and entitled "Exchange of Notes between Governments of Japan and the Union of Soviet Socialist Republics concerning the Effect of the Guarantee of Payment"

is an exact and true copy of an official document of the Japanese Foreign Office.

Signed at Tokyo on this

17th day of Sept., 1946

K. HAYASHI
Signature of Official

Witness: Nagamuru OKO

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Certificate ?.

Sept. 28, 4th year of Showa (TN: 1929)

Published by the East Asia Economic Research Bureau.

East Asia Pamphlet No. II.

Excerpts from

"A COLLECTION OF ANTI-JAPANESE TEACHING MATERIAL OF THE CHINESE".

Irrelevant
No Prob. value

PURL: http://www.legal-tools.org/doc/501016/

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2. Japanese Influence in the Orient (pp. 2-3)

South of Kyushu are the Liuchiu, Formosa and the Pescadores Islands. They were all our possessions some scores of years ago. The Korean Peninsula situated in a North westerly direction from Kyushu was taken away from us by Japan by force. Having taken possession of Korea, Japan has been exerting herself to the utmost in the administration and exploitation of Korea.

She has linked Korea with Sourthern Manchuria by building a railway and has been exercising great influence over the Kwantung Areas by leasing the Chinchou peninsula. Her ambition to invade the three eastern provinces is too obvious to mention. (upper class Geography Text book, Book No. IV. Chap.I.)

5. The National Humiliation Song. (Pages 6-7)

Kao-li-Kuo(TN: Korea) Liu-Chiu-and Tai-wan, The area is not small at all, but alas! All have been devoured away by her.

Now taking advantage of the disturbed conditions in our Country and the unsettled State of the Great War in Europe, she again imposed upon us a ruinous treaty in sheer violance of Justice and humanity. The beautiful mountains and rivers of our dear fatherland are going to be taken away from us by force.

What a humiliating and grievous day this is, the 7th day of May of the 4th year.

The dreadful moment to enslave us all is staring us in the face. We wonder how soon on earth can this humiliation be cast off by us. (From a collection of songs for educating primary school pupils into the Party)

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(6) Huang Ta (pp 7-8)

Huang Ta (China) is an inhabitant of the village of the "Orient". He has inherited his ancestral home and estates of many generation and he comes from a good family well known in the village. He is a man of weak and frail frame and is inefficient. He has often shown inability in the management of his domestic affairs and has blundered in negotiations with other families. On numerous occasions he is proud of his generosity but the people look down upon him as a fool. He is not on the verge of bankrupte as yet, but his finance's have become difficult and more difficult with the years as his expenditures have increased while his income has decreased.

Pai èrh (Westerner) is a tenant of his house but good in business and is making a lot of money. One day, Pai èrh, conspiring with his attorney, made a complaint and placed a claim against the Huangs on the pretence that a servant of the Huangs did something bad and eventually made the very house which he had previously rented unconditionally his own. Pai èrh has many brothers. They, having learned it easy to cheat Huang, have contrived successfully to deprive him of some more houses on one pretext or another. And at the same time, conspiring with Huang's book-keepers, they secretly confiscated the farms and furnitures which had been held in mortgage.

Huang chiu, whose ancestors originally came from the same family with the Huangs, has always been as poor as a church mouse; taking advantage of Huang however, he has robbed him of a lot of his farms and houses.

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Huang Ta passes the day loafing all day long. His children are all still young and do not know anything but when they grow up there is at least hope of reviving the good name of the family again, (The National Humiliation Reader, Book No. II, chap. 10)

The Shin Jū (GIWADAN) (TN: refers to the Boxers Treaty) (pp. 37-38)

The Shin Jū Treaty was concluded by China under duress of the Eight Allied Powers on the 11th year before the year of the foundation of the Republic of China, or that is to say, on the 7th month of September of the year of "Shin-Jū" (T.N. coresponding to the 27th year of "Kuang Hsii" of the calender of the Chinese Empire or to the year 1901 A.D.) The most important (TN: clauses) of which are as follows:

(1) An indemnity of 450 Million taels divided into aunual installments and to be paid over a period of thirty-nine years.

(2) To destroy the fortifications at TAKU and to allow foreign troops to garrison the area between TAKU and PEKING.

(3) Not to permit the Chinese people to live in the Foreign Legation Quarters in PEKING.

Although the Eight Allied Powers came on the pretext that the Boxers has killed Foreign residents, they, in fact, combined had been oppressing China in common for many preceeding years. Having succeeded in their first attempt, they had become accustome to attacking us concertedly. We must strive to annul the (Shin Jū Treaty) and abolish all unequal treaties altogether at the earliest-possible moment.

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We had to pay an indemnity and apologize for our killing of only a few foreigners. What are the foreigners going to do about their nationals who have perpetrated murder, arson, and plunder while in our land? (Teaching material for educating primary school pupils into the party-book III.)

17 Our Incomplete Territory. (pages, 75-77).

(1) How Incomplite Is Our Territory?

(2) Why Is It Incomplete?

(3) Why We Should Recover the Territory We Have Already Lost?

Our country's territory is incomplete. There are foreign concessions. For example, Britain has a lease on Wei hai wei, Japan, Port Arthur and the Bay of Dairen, and France Kwangchow Bay respectively. There is the foreign settlement. There are Foreign settlements in such places as Shanghai, Tientsin, Hankow, YENTAL and YUP-CHOW. There are ceded territories. For example, like Hongkong and Formosa which Britain and Japan robbed us of respectively. There are the invaded territories. For instance, Japan annexed our Korea, Britain and France invaded our south western frontier areas and Russia has encroached upon our north eastern and north western borders.

These areas were all plundered away from us by the imperialistic Powers through various threatening and deceptive means.

Unless we recover these by suitable means, the territorial integrity of our country cannot be restored nor can the distress of our countrymen be removed.

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(1) The May 30 Incident(pp. 77-78). On May 15th of the 14th year of the Republic of China, KU, Cheng Hon, a workman employed by a Japanese Cotton spinning mill in Shanghai was shot to death by a Japanese. Some students gathered in the Settlement to collect condolence money but were arrested by British patrolmen. Both the students and the workmen became very indignant. On the 30th, they formed a large formation, marched into the Settlement, and made speeches. At 3.00 p.m. British patrolmen nabbed the student who was making the speech. The crowd of students who were on Nangking Road and Chikiang Road were all seized and went to the front of the police station with the student (TN: who was taken prisoner)

By this time the British patrol Chief had summoned many patrolmen and were having them guard the police station. When things reached the point whether the crowd would break its ranks or not the Patrol chief ordered them to fire. The patrolmen fired twice in succession gaining results of several scores of dead and wounded. Since the opening of the port of Shanghai this was the first tragedy of such proportions. (Teaching material for educating primary school pupils into the Prarty Book IV)

(1) China's Losses of Territories (pg. 116 to pg 117)

The territories we have lost recently are Wei Hai Wei, Port Arthur, Dairen, Kowloon and Keangchow Bay. Previous to these were Korea, Formosa, the Pescadores Islands, Burma, Annam and the like. (Chapter 4, Book I of the Three Principles of Democracy Text book of new China for use in the higher classes)

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IPF DOC # 137

TRANSLATION CERTIFICATE

I, Yukio Kawamoto, of the Defense Language Branch, hereby certify that the foregoing translation described below is, to the best of my knowledge and belief, a correct translation and is as near as possible to the meaning of the original document.

/S/ Yukio Kawamoto

Tokyo, Japan

Date 12 December 1946

"A collection of Anti-Japanese Teaching Material of the Chinese."

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DEF. DOC. #137

昭和四年九月二十八日
東亞經濟調査局發行

東亞小册第二
「支那排日教材集」ヨリ抜粋

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DEF. DOC. #137

二、日本東洋的勢力（二頁ヨリ三頁）

九州的南面有琉球臺灣和澎湖列島數十年前都是我國的屬地九州西北面的朝鮮半島也是向我國奪去的日本人得了朝鮮竭力經營鐵路聯絡南滿租借金州半島控制關東侵略我國東三省的野心十分昭著（高級地理課本第四册第一課）

二、日本ノ東洋ニ於ケル勢力

九州ノ南ニ面シテ琉球、臺湾及澎湖列島ガアル、數十年前ハ皆我國ノ屬地デアツタ、九州ノ西北方ニアル朝鮮モ我國カラ奪ヒ去ツタモノデアル日本ハ朝鮮ヲ得テ經營ニ力ヲ盡シ鐵道ヲ敷イテ南滿洲ト聯絡シ金州半島ヲ租借シテ關東ヲ支配シテヰル、我ガ東三省ヲ侵略スルノ野心ハ十分昭

著デアル

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五、國恥記念歌（六頁ヨリ七頁）

高麗國ー琉球島ー與臺灣
ー地不小可憐都被他併呑了
到今朝乘我國勢衰
欧洲血戰遑未了
又提出滅國條無公理蔑人道
好河山將送埽
最傷心四年五七惡耗
爲奴爲僕眼前到
這國恥何時消

（小學唱歌教育唱歌集）

朝鮮ー琉球ー臺湾島
多クノ地皆併ヘレタ彼ノ爲
今又我國勢定マラス
欧洲大戰終ラザルニ乘ジ
滅國ノ條約ヲ提出セリ
公理ヲ破リ人道ニ反シ
好キ山河將ニ埽ヘレントス
嗚呼哀シ四年五月七日ノ凶報ヨ
奴隷トナリ僕婢トナルノ日目前ニ
迫レリ
此ノ國恥何レノ日ニカハ消ユベシ

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六、黃　大（七頁ヨリ八頁）

黃大是東亞鄉的一個村民他擁有歷代相承的遺產在村中算是有名的世家他生性懦弱無能處理家務往往失當對外交涉又多失敗他自以爲存心寬大可是只博得人樂的輕視

他雖然不能管領家產但是消費大生產少經濟方面便一年不如一年了白二是他的房客鄉僑商業非常順利一天黃大的僕人得罪了白二白二勾引訟師出面交涉結果無條件把所租的房屋都劃白二作爲了事

白氏的兄弟很多見黃大可欺便也籍口侵占了幾處房屋同時黃大家裏的司帳員又勾結白氏以借債爲名把田契和珍寶私下送去不少黃大本是黃大同旅一貧如洗乘機也占了好些田產和房屋黃大終日昏昏他的子女又很幼稚自然不知不覺大約等到長成以後總有重振家聲的希望

（國恥小本第二册第一〇課）

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六、黄　大

黄大（支那）ハ東亜村ノ者デ先祖代々ノ遺産ヲ嗣ギ村デモ有名ナ家柄デアル。彼ハ懦弱無能デ家事ノ處理ニシテモ往往下手ナ所ガアリ、他家トノ交渉ニモ失敗ガ多カッタ。

彼自ラハ心ニ覚大ダト思ッテヰルガ他人ハ皆馬鹿ニシテ居ル、彼ハ破產スルマデハイガ支出ガ多ク収入ハ少ク經濟ハ年一年ト困難ニナルヽ白ニ（西洋人）ハ彼ノ借家人デアルガ店賃ガ上手デ非常ニ儲ケル或日黄家ノ下僕ガ何カ悪イ事ガアッタト言ッテ付ケテ無條件デ借リテ居タ家ヲ自分ノ物ニシテ了ッタ

白ノ兄弟ハ大勢アルガ黄ガ嗤セルト思ッテ口實ヲ設ケテ家ヲ幾軒カ奪ッテ了ッタ、又黄家ノ帳付ケト結託シテ抵當ニ取ッタ田地ヤ家財ヲ密ニ持チ出サセタ

黄九ハ素ト黄ノ一族デアルガ赤貧洗フガ如ク隙ニ乘ジテ黄ノ田地ヤ家屋ヲ淨山ニツタ

黄大ハ一日ボンヤリト暮シテ居ル、彼ノ子供ハ未ダ皆幼イカラ何モ知ラナイケレドモ子供ガ大キクナレバセメテ家名ヲ再興スルダケノ望ハアル

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辛丑條約（三七頁ㄧ三八頁）

辛丑條約是民國紀前十一年即「辛丑年」九月七日八國聯軍强迫中國訂立的最重要的是

一、賠款四億五千兩分三十九年還清

二、析去大沽砲臺從大沽到北京以內外國兵

三、北京外國使館界中不許中國人住

八國聯軍雖是借了「義和團」要殺外國人的名目而來其實他們早已想聯合起來共同壓迫中國這一次成功以後他們對中國便常常聯合進攻了我們門嘗嘗快要國取消「辛丑條約」取消「一切不平等條約」-

我國人殺死幾個外國人要賠款抵罪、外國人在我國殺人放火於刻照該怎樣

（小學教化教材第三册）

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辛丑（義和團）條約

辛丑條約ハ民國紀元前十一年、卽チ「辛丑ノ年」九月七日八國聯合軍ガ中國ヲ强迫シテ締結シタモノデ最モ重要ナノハ

一、賠償金四億五千萬兩ヲ三十九箇年ニ分チテ支拂フコト

二、大沽砲臺ヲ破壞シ大沽ヨリ北京ニ至ル間ニ外國兵ヲ駐屯サセルコト

三、北京ノ外國公使館區域ノ中ニ中國人ノ居住ヲ許サナイコト

八國聯合軍ハ義和團ガ外國人ヲ殺シタトイフ名目ヲ以テヤツテ來タガ其ノ實彼等ハ其レ以前ニ既ニ聯合シテ共同デ中國ヲ壓迫シタノデアルコノ第一回ニ成功ヲ收メテカラ彼等ハ中國ニ對シテ常ニ聯合シテ攻撃シタ、我等ハ當ニ早ク奮圖シテ「辛丑條約」ヲ取消シ「一切ノ平等條約」ヲ締結シナケレバナラナイ

我國人ハ備カバカリノ外國人ヲ殺シタノニ賠償金ヲ出シ謝罪シタ

外國人ハ我ガ國ニ在ッテ人ヲ殺シ火ヲ放チ掠奪ヲシタガドウシテクレルノダラウ

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十七、我國領土不完全（七五頁ヨリ七七頁）

(1)我國的領土怎樣不完全

(2)爲甚麼不完全

(3)爲甚麼我們要收回已失的領土

我國的領土已不完全有租借地例如英租威海衛日租旅順口大連與法租廣州灣等有租界例如上海、天津、漢口、煙臺、岳州等處都有租界有割讓地例如英國割我香港日本割我臺灣等有侵略地例如日本吞我朝鮮英法侵略我西南邊境俄國侵略我東北和西北邊境等這些土地都是帝國主義的國家用種種威迫欺騙的手段掠奪去的若不設法收回領土的完全不能恢復國民的痛苦也就不能解除

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十七、不完全ナ我國ノ領土

(1)我國ノ領土ハ如何ニ不完全デアルカ

(2)何故不完全デアルカ

(3)何故我等ハ既ニ失ツタ領土ヲ回收スベキカ

我ガ國ノ領土ハ不完全デアル、租借地ガアル、例ヘバ英國ハ威海衛ヲ日本ハ旅順口ト大連ヲ佛國ハトヲ佛國西ハ廣州灣等ヲ租借シテヰル、租界ガアル、上海、天津、漢口、蘆臺、岳州等ノ如キ處ニハ皆租界ガアル、例ヘバ英國ガ我ガ香港ヲ日本ガ我ガ臺灣ヲ奪取シタ如キデアル、侵略地ガアル例ヘバ日本ハ我ガ朝鮮ヲ併呑シ、英國ト佛國トハ我ガ西南邊境ヲ侵略シ「ロシヤ」ハ我ガ東北ト西北邊境ヲ侵略シタ

此等ノ土地ハ皆帝國主義諸國家ガ色々威嚇的ナ欺騙的ナ手段ヲ用ヒテ掠奪シタノデアル。若シ適當ナ方法ヲ以テ之等ヲ回收シナケレバ領土ノ完全ヲ恢復シ得ス、從ツテ又國民ノ苦痛モ除去サレ得タ

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DEF 1.00 #157

一、五卅慘案（七七頁ヨリ七八頁）

民國十四年五月十五日上海日本紗廠工人顧正紅被日人開鎗打死學生到租界上去募捐又被英捕抱捕學生工人憤極了到三十那一天就大隊進租界到都下午三時有的演講學生被英捕去在南京路浙江路口的學生和都衆都強搶被捕的學生同到巡捕居門前這時候英捕頭已經召集了多巡捕在捕房門口守著都衆一到捕頭就令開鎗巡捕連開兩排鎗都衆當時死傷的一共數十人從上海開埠以來道種的大慘殺不會有過啊

（小學歷史教材第四册）

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DEF. DOC. #137

一、五卅事件

民國十四年五月十五日上海ノ日本紡績工場ノ殺工頭正紅ガ日本人ノ爲ニ殺サレタ、學生ハ租界ニ行進ツテ弔慰金ノ募集ヲシタ所ガ英國ノ巡捕ニ制止サレタ。學生ヤ職工ハ極度ニ憤慨シタ、三十日ニナツテ大部隊ヲ作ツテ租界ニ入リ演說ヲヤツタ、午後三時ニ演說ヲヤツテヰル學生ヲ英國ノ巡捕ガ捕ヘテ行ツタ其ノ時南京路ヤ浙江路ニ居タ學生群集ガ捕ヘラレタ學生ニツイテ派出所ノ前迄行ツク、此ノ時英國ノ巡捕長ハ已ニ他數ノ巡捕ヲ召集シテ派出所ヲ守ラシメテ居タ

洋兵ガ押掛ケルヤ否ヤ巡捕長ハ發砲ヲ命ジ巡捕ハ續イテ二度發砲シテ死傷數十人ヲ出シタ、上海開港以來此ノ樣ナ大慘事ハ始メテデアル

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一、中國領土的喪失（一一六頁ヨリ一一七頁）

我們最近失去的領土是威海衛、旅順、大連、九龍、廣州灣、再前一點是高麗、臺灣、澎湖、緬甸、安南、（新中華三民主義課本高級用第一冊第六課一

一、中國領土ノ喪失

我等ノ最近失ヒタル領土ハ威海衛、旅順、大連、九龍、廣州ハデ其ノ以前ニ於テハ朝鮮、臺灣、澎湖島、緬甸、安南等デアル

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EXCERPT FROM JAPAN YEAR BOOK,
1943-44, PAGES 280-281.

In October, 1938, Canton and Hankow fell into the hands of the Nipponese Army and the Chiang Kai-shek Government became a mere local regime. On November 23, 1938, the Government of Nippon declared:

What Nippon seeks is the establishment of a new order which will insure the permanent stability of East Asia. This new order has for its foundation a tripartite relationship of mutual aid and coordination between Nippon, Manchoukuo and China in political, economic, cultural and other fields. Its object is to secure international justice, to perfect the joint defense against Communism, and to create a new culture and realize a close economic cohesion throughout East Asia.

In its note of November 18, 1938, to the American Government the Government of Nippon announced:

Nippon at present is devoting her energy to the establishment of new order based on genuine international justice throughout East Asia, the attainment of which end is not only an indispensable condition of the very existence of Nippon, but also constitutes the very foundation of the enduring peace and stability of East Asia. It is the firm conviction of the Nipponese Government that in the face of the new situation, fast developing in East Asia, any attempt to apply to the conditions of today and tomorrow inapplicable ideas and principles of the past would neither contribute toward the establishment of a real peace in East Asia nor solve the immediate issues. However, as long as these points are understood, Nippon has not the slightest inclination to oppose the participation of the United states and other Powers in the great work of reconstructing East Asia along all lines of industry and trade.

Nippons's announcement of the policy of establishing a new order in East Asia evoked a crop of criticisms from diverse American quarters, and American proclivity of aiding Chiang Kai-shek reached a new height. The United States Export-Import Bank on December 15, 1938, placed a credit of $25,000,000 at Chungking's disposal; in addition, the United States Treasury extended the Chinese American monetary agreement of July 9, 1937 thereby enabling Chungking to dispose of its silver and obtain dollar exchange against is gold reserves accumulated in New York. The Conference on the Cause and Cure of War, meeting at Washington in January 1939, went on record for the first time in favor of an embargo on war materials to Nippon. In May 1939 the General Assembly of the Presby terian Church adopted a resolution condemning America's continued "partnership in aggression" and urging immediate legislation by Congress to prevent the sale of munitions and war material to Nippon. Several bills placing limitations on Nippon's trade with the United States were offered by members of the House of Representatives and the Senate. A resolution was sponsored by Senator Pittman empowering the President to impose an embargo on war supplies to Nippon. The Senate Foreign Relations Committee requested Secretary Hull to indicate whether the proposed action would "violate any treaty." Although Hull on July 21, 1939, gave a noncommittal answer, the same answer actually preceded

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the State Department's decision on the abrogation of the Commercial Treaty with Nippon by only five days.

On July 24, 1939, as a result of an agreement between the then Foreign Minister Hachiro Arita and British Ambassador Robert Craigie, the text of a basic accord under which negotiations would be conducted for a formal settlement of the Tientsin dispute was announced in Tokyo and London. The significant Arita-Craigie formula ran as follows:

His Majesty's Government in the United Kingdom fully recognize the actual situation in China where hostilities on a large scale are in progress, and note that, as long as this state of affairs continues to exist, the Nipponese forces in China have special requirements for the purpose of safeguarding their own security and maintaining public order in regions under their control and that they have to suppress or remove any such causes or acts as will obstruct them or benefit their enemy.

His Majesty's Government have no intention of countenancing any acts or measures prejudicial to the attainment of the above-mentioned objects by the Nipponese forces, and they will take this opportunity to confirm their policy in this respect by making it plain to the British authorities and British nationals in China that they should refrain from such acts and measures.

On July 26, 1939 only two days after the announcement of the Arita-Craigie formula, Secretary Hull served a notice of abrogation of the Nipponese-American Commercial Treaty. The Washington Government took this uncalled-for step mainly to give effect to its policy of "quaranting" Nippon economically.

THE SECOND WORLD WAR On September 1, 1939 the European war broke out. Curiously enough, the first and immediate step the United States Government took was to transfer the major portion of its Navy to the Pacific coast centering on Pearl Harbor--a step which was obviously planned to intimidate Nippon. Early in 1933 a sum of $238,000,000 from the P.W.A. funds was allotted to naval construction. In March 1934 the Navy Department, in view of the Vinson-Trammell Act, secured authorization from Congress to proceed with a naval building program designed to reach the figure sanctioned by the Naval Treaty before the end of 1942. President Roosevelt accelerated his construction schedules with the greatest peacetime naval appropriations (for 1936-1937 and 1937-1938) in American history. While Roosevelt's program did not contemplate an exact parity with Britain, it provided for a substantially greater margin of superiority over Nippon, especially in capital ships. Moreover, the London Agreement of 1936 not only lessened the preoccupation of the United States with the British and French competition, but also enabled it to replenish its naval strength more freely against Nippon. On April 1, 1936 the United States, Britain and France adopted an increased maximum gun calibre of sixteen-inches. On June 30, 1938 these three Powers signed an agreement raising their capital ship tonnage limit to 45,000 tons. The United States in this way played an active

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part in bringing about a revision in the capital ship construction, because it was bent upon bottling up Nippon in the Pacific.

On January 26, 1940 the Nipponese-American Commercial Treaty expired and the United States became quite at liberty to impose an embargo at any time on Nippon. On January 11, 1940 Henry L. Stimson in a long letter in the New York Times recommended legislation to prohibit the export to Nippon of arms, munitions and raw material needed for the manufacture of accesories, to some of which a moral embargo had already been applied since June of 1938. Two embargo proposals prepared by Senators Pittman and Schwellenbach were placed before the Senate Foreign Relations Committee.

NEW CENTRAL GOVERNMENT OF CHINA On March 12, 1940 Wang Ching-wei declared his intention to establish a new Central Government of China. Prior to this, on March 7, 1940, the United States Government gave a loan of $20,000,000 to Chiang Kai-shek. Thereafter, on March 30, 1940, Secretary Hull issued his statement of nonrecognition of the newly organized Nanking Government under the presidency of Wang Ching-wei.

On September 22, 1940 agreement was concluded between the Governments of Nippon and France, by which the former was to respect the rights and interests of the latter in East Asia and, in particular, the territorial integrity of Indo-China and the sovereign rights of France over all parts of Indo-China. On the part of France it was required to grant Nippon special facilities in Indo-China in order to enable the Nipponese Army and Navy to pursue their operations. Retaliating this accord, which in no way affected the rights and interests of America, President Roosevelt on September 26, 1940, declared an embargo on the export of iron and steel scrap as from October 16, except to countries of the Western Hemisphere and to Britain. Of the exports of steel scrap in the first seven months of 1940, Nippon took about one third, that is, over half a milion tons. Simultaneous with the enforcement of the embargo, the Federal Loan Administration Office announced that a further credit of $25,000,000 was to be granted to Chungking from the American Export-Import Bank to assist it in meeting exchange needs, and that the loan would be liquidated by the sale of tungsten, the United States Government having undertaken to buy as much as thirty million dollars' worth of tungsten for defense needs. The new loan to China and the fresh embargo order were, in the opinion of the leaders of the Capitol Hill, measures "short of war, but more effective than mere words".

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帝國年鑑（一九四三－四四年）一二八〇－一二八一頁の抜萃

一九三八年（昭和十三年）東及漢口は日本軍の手に陥ち蒋介石政府は單なる一地方政權と成り果てた。一九三八年十一月二十三日日本政府は左の聲明を發した。

「日本の求むるものは東亞の永久的安定を保障する新秩序の建設である、この新秩序は政治、經濟、文化及ひ其他の分野に於ける日滿支三國間の双互的援助と協力を基礎としてゐるものである。其目的は國際正義を昂め、共産主義に對する協同防衛を完成し、新文化を創造し、且つ東亞を通して國際正義を實現するにある」

一九三八年十一月十八日の對米通牒に於て日本政府は次の如く聲明した。

「現在日本は全東亞を通して國際正義に立脚する新秩序の建設にその全力を傾倒してゐるが、この目的の遂成は日本の存立に不可缺の條件たるのみならず東亞の恒久平和と安定の基礎を成すものである。日本政府の確信する所は東亞に於て急速に進展しつつある新事態に直面して今日及ひ明日の事態に適用し得る過去の主義及ひ理想を適用せんとする企及

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は東亜の眞の平和の確立に向つて何等寄與せさるのみならず目擊の諸案件をも解決するものではない。併しながら、是等の點が理解される以上日本は合衆國及他の諸國が產業及通商の全般に亘つて東亞再建の大事業に參加する事には些かの反對意向を有するものではない。

東亞に於ける新秩序建設の政策に關する日本の聲明はアメリカの諸方面から多くの批評を呼び起した。そしてアメリカの援蔣傾向は夙が上にも增大した。合衆國輸出入銀行は一九三八年十二月十五日二千五百萬弗のクレヂイットを重慶の爲に設定した。更に加ふるに合衆國財務省は一九三七年七月九日の米支貨幣協約を延長し、それに依りて重慶をしてその所有の銀を處分し、ニューヨルクに蓄積せるその金準備に對し弗爲替を入手せしむるにした。戰爭の原因及救濟に關する會議は一九三九年一月ワシントンで開催されたがその會議に於て始めて日本に對し戰爭資材の輸出禁止を斷行する事を記錄に留むるに至つた。

又一九三九年五月には長老派敎會大會はアメリカの引續いての「侵略に對する協力」を譴詰し、議會が直ちに日本に對し軍需品及ひ戰爭資材の

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販賣を停止せしむる立法手段を採るべしとの決議を採擇した。日本の合衆國との通商に制限を課する目的を以てせる數多の法案が上下兩議員に依つて提出された。ビットマン上院議員は日本に對する戰爭資材の輸出禁止を含ずる權限を大統領に附與する決議案を提出した。上院外交委員會はハル國務長官に提案中の行動が條約に違背する哥なきや否やを明示されたしと要請した。ハルはこれに對し一九三九年七月二十一日當り障りのない回答を與へたが、その回答のなされたのは日本との通商條約の破棄に關する國務省の決定先立つこと僅か五日の事であつた。

一九三九年七月二十四日、當時の外相有田八郎と英國大使ロバート、クレーギとの間に交はされた協約の結果として天津事件の正式解決の交渉のための基礎的了解の内容が東京とロンドンに於て發表された。その重要な「有田―クレーギの方　式」は次の様であつた。

大英帝國政府は支那に於て目下大規模の戰闘が行はれつつある現實の事態を完全に承認し、其情態が存續する限り支那に於ける日本軍は軍自身の安全を確保し、且つその支配下にある諸地方の秩序を維持する爲特別の要求

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をもつこと、並に彼らを妨害し或は其敵を利するが如き一切の原因又は行動を抑壓し又は排除する必要ある事を認む。

政府は日本軍軍の上記諸目的達成に有害なる如何なる行動又は方策をも行ふ意圖は毫も有しない。政府は在支英國官民にかかる行動、方策を愼むべきことを明示することに依り此點に關する政策をこの機會に於て更めて確實にするであらう。

一九三九年七月二十六日、即ち有田ークレーギ方式の發表から僅々二日の後に於てハル國務長官は日米通商條約破棄の通牒を發した。ワシントン政府はこの一見不必要にちかい行動を主として日本を經濟的に遮斷せんとするアメリカの政策を具体化する爲に採つたのであつた。

第二次世界大戰　一九三九年九月一日、ヨーロッパ戰爭が勃發した。不思議にも合衆國政府が採つた最初の、そして迅速な行動はその海軍の主力を眞珠灣を中心とする太平洋海岸に移した事であつたーそれは明らかに日本を牽制する爲に計畫された行動であつたがー。一九三三年の初めPWA基金から二億三千八百万弗が海軍施設に振り當てられれ。一九三四年三月ア

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メリカ海軍省はヴインソンーートラメル法に依つて一九四二年の終末迄に海軍條約に依つて許容された一定の數量に違する様企畫されたる海軍建造計畫を實行すべく議會によつて權限を與へられた。ルーズベルト大統領はアメリカ史上最大の平時海軍豫算（一九三六－七年及び一九三七年－八年）を以てその建造計畫を進捗させた。ルーズヴエルト家は英國と同比率たる事を期しなかつたが、日本に對しては特に主力艦に於てこれに優越すべく大なる率のひらきを用意してゐた。尚つ一九三六年のロンドン協約は英佛との競爭に對する關心を減じたのみならず合衆國をして日本に對し從來より一層自由にその海軍力の充實をなさしめた。

一九三六年四月一日米英佛は十六吋の砲に最大增强限度を採用した。一九三八年六月三十日にはこの三國は主力艦の噸數制限を四万五千噸に引上げる協約に調印した。吾衆國は斯くして主力艦建造に關する修正を達成すべく積極的役割を演じた。何となれば當時合衆國は太平洋に於て日本を封じ込むべく專心してゐたからである。

一九四〇年一月二十六日日米通商條約は滿期となり、合衆國は日本に對し

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何時にても輸出入禁止を課し得る事になつた。一九四〇年一月十一日ヘンリー、エル、ステイムンソンはニューヨーク。タイムスに長文の書翰を寄せて日本に對し武器、彈藥及び附屬品の製造に要する原料の輸出禁止法の制定を勸告したが、以上の中の或ものに對してに既に道德的禁止が一九三八年六月以來行はれてゐた。

上院議員ピットマン及びシューレンバッヘの兩氏に依りて二個の禁止提案が上院外交委員會に提出された。

支那の新中央政權。一九四〇年三月十二日汪兆銘は支那新中央政府設立の意圖を表明した。これに先たち一九四〇年三月七日合衆國政府は蔣介石に二千万弗の借款を與へた。その後一九四〇年三月三十日ハル國務長官は汪兆銘の統轄下にある新南京政府不承認の聲明書を發した。

一九四〇年九月二十二日日佛兩國政府間に協約が結ばれ、それに依り日本は東アジアに於けるフランスの領土、特に印度支那に於ける領土保全及び印度支那の領土に對するフランスの主權を尊重し、フランス側に於ては日本に對し、日本皇軍の行動を可能ならしむる爲印度支那に於て

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特別の便宜を與へる事が要請された。この協約は些かもアメリカの權益に影響するものではないがルーズベルト大統領はそれに對抗して一九四〇年九月二十六日屑鐵鋼の輸出を西半球の諸國及ひ英國に對するものを除外して十月十六日以降禁止する事を布告した。一九四〇年の初めの七ヶ月間に於ける屑鋼の輸出に於て日本はその三分の一、卽ち、約百萬トン以上を引取つてゐた。右禁止令の施行と同時に連邦借款專務局は更に二千五百万弗の借款がアメリカ輸出入銀行から重慶に對し爲替決濟用として提供される事、並に其借款はタングステンの對米輸出に依つて決濟さるべく、合衆國政府は國防用として三千万弗分の買上げを保證する旨發表した。この對支借款と新禁止令はワシントン政廳の主脳連の意見に依れば戰爭そのものには至らないが、しかも單なる言葉よりは遙かに有效であつた。

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not used

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Certificate of Source and Authenticity of Documents

I, YAMAKAWA, Takesuke, Vice-Director of Publication Bureau, The ASAHISHIMBUN, hereby certify that the book hereto attached, written by SAEKI, Ariyoshi, in Japanese consisting of 348 pages and entitled "RIKKOKUSHI, NIHONSHOKI Vol. II" was published by the ASAHISHIMBUN in conformity with the manuscripts of the above author, and also that the above author is deceased at this time.

Signed at Tokyo
On this 24th day of December, 1946.

YAMAKAWA, Takesuke (Seal)

I, MIYATA, Minoru, witness, certify that the above was signed and sealed in my presence.

At the same place on the same day.

Witness: MIYATA, Minor. (Seal)

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LIF DOC # 141 Excerpt form "Nihon Shoki":

"Law Consisting of Seventeen Articles"

On the third day of the fourth month of the twelfth year (TN: 604. A.D.) in the reign of the Empress SUIKO, the Prince Regent (SHOTOKU Taishi) created the 'Kenpo' or the 'Law consisting of Seventeen Articles.' This 'Kenpo' runs as follows:

"Know ye, officials of our Government:

1. Let harmony be the fundamental principle of all your conducts. Men are prone to adhere to their own narrow parties, and those who have attained true sagacity are very difficult to find. Thus some are not obedient to thier superiors, and others resort to variance with thier neighbors. Thence ye our officials, should always keep yourself in harmony and concord with each other, especially when ye hold discussions. Then justice and reason will have their way, and there will be nothing that cannot be accomplished.

2. Respect the Three Treasures with all your heart. The Three Treasures mean Buddha, Dharma and Sangha. These are the last elements to which all living creatures on earth are due, and these are the most fundamental principles which underlie all the teachings of the world. Thence, there should be no one, in any generation, who does not respect these. Those who are incorrigibly wicked form but a small part of the whole people. All the rest can be set on the right path, if they are astray, by means of teaching. But this can be done only when the teaching is based on the above Three Treasures.

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3. Be obedient and respectful to Imperial commands. The Emperor is like Heaven, the officials are like Earth. As long as the Heaven covers and the Earth bears, the four seasons return in due sequence, enabling all lives to prosper in their proper place. But if Earth were to take the place of the Heaven, the whole universe would be plunged into chaos. Thence it is necessary for you officials to be obedient and loyal to the Emperor in deed and word. Be obedient, we repeat, and respectful to Imperial commands, Otherwise ye shall fall into destruction.

4. Let 'li' (TN: respect for order) be the underlying principle of whatever ye do. 'Li' is the essense of the art of ruling the people. Any lack of 'li' among the officials will reasult in some disorder among the people. And any lack of 'li' among the people is the sure cause of all sorts of evils. If the relation between the Emperor and the officials be based upon 'li', the Government will be maintained in due order and, discipline. And if 'li' be permeated among the people, peace and order will thrive throughout the land.

5. Abstain from any sort of greed. Judge cases brought before the court according to justice. Scarcely a day passes without a thousand cases being brought by the people before the court. So that the number of cases arising in the course of a few years may easily be imagined. It is our regret to note lately the practice among our magistrates

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of making corrupt use of their authority. The rich can always obtain the decision in their own behalf, just as a stone flung into a pool does not fail to make waves on the surface of water, whereas the poor always lose their cases, just as water poured on a stone does not move it at all. Thus the poor do not know where to apply for their remedies. Herein we see a grave fault of our Government.

6. To reward good and to punish evil is a good principle inherited from ancient times. Never let a good deed pass without praise. Never let an evil deed pass without correction. Flatterers and deceivers are very ruinous both to the land and to the people. These are apt to inform the superiors of faults of the inferiors, and to slander the superiors when they talk with inferiors. These are men who have no loyalty towards the Emperor and no benevolence towards the people, and who often cause serious troubles.

7. Each one of you officials has an authority of his own, which is restricted by the nature of his office. Never abuse your authority. When a wise man holds an office, voices of praise rise from among the people. When a wicked man holds it troubles and mishaps occur one after another. Although those who know everything from birth are very few, whoever tries his best to develop his faculties may attain to sagacity. Success or failure in doing anything solely depends upon the man who does it, whether it may or may not be of great importance. Likewise, in regard to the rule of an age, the happiness or misery of the people depends upon the man who rules them during that age, whether it may or

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may not be in defficulty. Thus the right choice of the person for an office is a condition necessary to the permanent presperity of the nation. For this reason, the wise kings of ancient times never created an office for a man's sake, but always sought a man for an office.

8. Ye, our officials, attend your office early in the morning, and leave it lat in the evening. Public affairs occur incessantly, and even a whole day's working is not enough to finish them. If ye attend the office late in the morning, ye will not see affairs which have occurred before that time. If ye leave it early in the evening, ye will not see affairs which may occur after that time.

9. Faithfulness is the basis of righteousness. Let faithfulness be your guide in doing anything. Right or wrong, success or failure always depends upon faithfulness. Thus when all ye officials possess the virtue of faithfulness, there will be nothing that ye can not do. On the contrary, if ye lack this virtue, ye will fail in whatever ye do.

10. Be free from anger. Never resent others' faults. Everybody has his own mind. Every mind has its own obstinacies. One holds for truth what another holds for falsehood, and holds for falsehood what the latter holds for truth. And no one can be sure which is in the right, for both are neither sages nor fools, but are two plain men, who may be sometimes right and sometimes wrong. Thus no one can say with certainty that some are wise and some are foolish, any

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more than one can find an end of a ring. Reflect, then, t upon your own faults, whenever ye get angry with some one else. Ask the opinions of others, even when ye feel sure about a matter.

11. Observe carefully the merits and faults of your subordinates. Let rewards and punishments be according to justice. We regret to hear of late that rewards and punishments are not always given in due proportion to merits and faults. Give rewards and punishments strictly in accordance to justice.

12. (addressing the local governors in particular) Never extort from the people. There is only one sovereign for one land and for one people. And this one sovereign is the Emperor himself. All ye officials of our Government are but vassals subordinate to Him. Therefore you have no right to extort from the people beyond legitimate taxation.

13. Try your best to acquaint yourselves with all the affairs of your office. Ye may sometimes be absent from ' office due to an illness or on a mission. But after your return, try your best to get familiar with the new circumstances that have arisen in your absence, as if you had been present during that time. Never neglect public affairs under the plea of ignorance of them owing to absence.

14. Never be envious of others. If one envies another in some way, the latter will also envy the former in another way, thus forming an endless succession of evils arising from mutual jealousy. When one finds a person who excels oneself in intellect or talent, one gets envious of his (?)

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superiority and displeased with his presence. Thence we find a sage being fairly treated only at the interval of every five centuries, and can scarcely find a saint being fairly treated even at the interval of a millennium. This is a thing to be greatly regretted, for without sages and saints no good government is to be hoped for.

15. Leave all private interests behind and pursue the public good. This is the right way for our officials. When a man adheres to his own interests, he always harbors ill-feelings towards others, which unfit him to cooperate with his colleagues. Lack of harmony with his colleagues may lead him to do evils to the public for his own benefit. Indeed, ill-feelings are wont to produce breaches of the laws. Therefore, the first chapter of this 'kenpo' says that harmony is the basis of all conduct.

16. To set the people upon public services in timely season is a good policy inherited from ancient times. Ye may use the people for public works during winter, for in this season they have enough leisure. But never use the people from spring till autumn, for these are the season for farming and silk-raising. If the people were to cease farming, we would have nothing to eat. If they were to cease silk-raising, we would have nothing to wear.

17. In dealing with grave affairs, never make a decision by yourselves without asking the opinions of others. On slighter affairs ye need not always consult others. When one conducts grave affairs, one can not be sure whether there is no fault. Thence it is necessary to consult others

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in such cases so that one may do things according to reason and justice."

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For Identification

Def. Doc. No. 142

~~Exh. 2355~~

EXCERPT FROM PAGE 95 OF NIHON SHOKI
VOL.III. JIMMU TENNO
(Def. Exhibit for Identification No. 2355)

On the seventh of March (662 B.C.) (on the day of HINOTO-U, TSUITACHI of KANOTO-TORI), Emperor JIMMU issued the following Rescript:

Since we started on the eastern expedition, six years have elapsed. By the august grace of the Great God in Heaven, the rebellious people have been put to death. Though the outlying regions have not yet been subjugated and remnants of the evil elements are still rampant, there is no stir and turmoil in the central districts. It is indeed befitting at this juncture that we should build a new Capital City and construct a palace therein. The present time is still young and uncivilized; the people are modest and simple, and they habitually dwell in nests and caves. However, when a sage wishes to set up an institution, regard is always rightly had to the times. Whatever redounds to the benefit of the people cannot stultify the sage's work. We will therefore have the woods cleared and a palace built thereon, and will, in all reverence, ascend the Imperial Throne in order thereby to assure tranquility to the people. It is in this way that we propose to prove ourselves worthy of the divine grace of the Great God in Heaven in bestowing this land upon us, and on the other hand, to strive to develop the heritage of the Imperial Grandson (TN: NINIGI-NO-MIKOTO, Grandson of AMATERASU-O-MIKAMI and the first sovereign of Japan) who cultivated and nurtured the righteousness. Would it not, then, be good to endeavour to build a holy capital covering the entire land and to make one family out of the whole world? KASHIHARA, a locality lying to the southeast of Mt. UNEBI, seems to be the centre of the land. This shall be the site for Our Capital.

DEF. Exhibit for Identification No. 2355
RIKKOKUSHI (Six National Histories)
Compiled by SAKERI, ARIYOSI;
Published by the ASAHI-SHINBUN,
December 30, 1928.

NIHON SHOKI Volume I
Completed in 720 A.D.
Presented in May of the same year
by Prince TONERI to Emperor GENSHO.

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Def. Doc. No. 142

EXH 2355

Translation Certificate

I, SAKUMA, Shin, of the Defense, hereby certify that the attached translation of excerpts from page 95 of NIHON SHOKI, Vol. III, JIMMU TENNO is, to the best of my knowledge and belief, a correct translation and is as near as possible to the meaning of the original document.

/s/ SHIN SAKUMA

Tokyo, Japan

Date 22 May 1947

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Strike out the 2nd line "Exh. 2355".

Add "VOLUME I" to the 3rd line, after "..... OF NIHON SHOKI".

Put the 4th line "VOL. III. JIMMU TENNO" in Parenthesis.

Strike out "Volume I" of the 4th line from the bottom of the page.

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辯護側文書第一四二號（訂正ノ分）

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日本書紀　巻第三　神武天皇

三月辛酉朔丁卯（ノ日）下レ令（ノ）曰、自（リ）我東（ノ）征（ノ）
於茲六年（ニナリヌ）矣。頼（ニ）以（テ）皇（ノ）天之威（ノ）、凶徒就戮、雖（ドモ）邊土
未（ダ）清、餘妖尚（ホ）梗（レタリト）而中洲之地、無（シ）復風塵、誠（ニ）宜（ク）下
以（テ）恢（ニ）弘（メ）皇（ノ）都（ヲ）規（リ）摹大壯（ニ）上、而今運屬（キヌ）此（ノ）
屯蒙（ニ）、民（ノ）心未（ダ）安（カラ）、是（ヲ）以（テ）諸（ノ）兄（ノ）皇子（ノ）、
各（ノ）置（キ）而（テ）不（ル）レ論（ハ）、元（ト）元（ノ）上（ノ）策（ハ）、
國之徳（ハ）、不（レ）則（ト）弘（メ）皇（ノ）基（ヲ）、不（レ）養（ヒ）正（ノ）心（ヲ）、
都（ヲ）掩（フ）八紘（ヲ）而（テ）爲（レ）宇（ト）、不（レ）亦（タ）可（カラ）乎（ト）。觀（ル）夫（ノ）畝傍山
東南（ノ）橿原地（ハ）、蓋（シ）國之墺區乎（ト）、可（シ）治（ム）之
故（ノ）傍（ニ）山（ニ）而（テ）經（ノ）營（リ）宮
室（ヲ）、而恭（シ）臨（ム）寶（ノ）位（ニ）、以（テ）鎮（ム）中（ノ）元（ト）元（ノ）上（ノ）策（ト）、乃（チ）下（シ）詔（シテ）曰（ク）、
苟（モ）有（レ）利（ノ）民（ニ）、何（ゾ）妨（ケム）公（ノ）聖造（ヲ）、且（ク）當（ニ）披（キ）掃（ヒ）山林（ヲ）、經（ノ）營（リ）宮
杣（ス）素（ヨリ）巢（ノ）住（ノ）習俗（ノ）惟常（ナリ）、夫大人立（ツ）制（ハ）、義（ハ）必（ズ）隨（フ）時（ニ）、
而今（ノ）運屬（キヌ）此（ノ）蒙（ノ）民（ノ）心（ノ）大壯（ニ）、而（テ）不（ル）レ（ハ）改（メ）張（ラ）、何（ノ）以（テ）制（シ）天（ノ）下（ヲ）乎（ト）。
故（ノ）傍山（ノ）地（ハ）、蓋（シ）國之墺區乎（ト）、可（シ）治（ム）之
字（ノ）縣（ノ）廬（ノ）者（ヲ）、蓋（シ）國之墺區乎（ト）、可（シ）治（ム）之

（佐伯有義編纂（昭和三年十二月三十日）朝日新聞社發行）

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末尾ヨリ三行目「六國史」ノ上ニ「辯護側識別資料第二三五五號」ヲ加ヘラレタシ

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Translated by Defense Language Branch

WHY DO WE ATTACK HANKOW?

By Shujitsu Ozaki

(Published in Sept. number (TN: year not given) of the TAIRIKU (Continent))

I

It is only of late that the Japanese public have actually adapted themselves to war-time conditions. Whether they like it or not, they have been obliged to prepare themselves against a protracted war. However optimistic one may have been so far, one cannot, under the present acute situation, but be serious, and give up one's optimistic views. To tell the truth, between those who are leading a peaceful life at home and those who are fighting in sweat and mud on the Chinese front, there has been a gap -- a mental gap wider than the geographical sea separating the two sets of the Japanese. However, this difference in the war-feeling of the two groups is being gradually eliminated, as the Japanese at home have also come to be further and further pinched in their daily life under the enforcement of the war-time control and mobilization of goods and materials.

All the Japanese have at last come to adjust themselves to the prospect of a protracted war.

But it seems at least to me that the public in general are too calm and quiet. Although the frenzied enthusiasm we saw in the early days of the war did not seem a happy phenomenon, this calmness at this juncture can neither be approved unconditionally. It even seems to be a kind of resignation on the part of the people in the face of the stern realities.

Needless to say, the situation that Japan is now trying to steer through is so difficult that it cannot be surmounted unless the whole of the people, in a national movement led by a high ideal, press forward vigorously with the force of an avalanche.

With this in view, the writer cannot help feeling uneasy at the existing state of affairs.

II

Even before the battle of Hsiichow was started, the siege of Hankow had been a subject for dispute. There were some who stressed the strategic importance of Hsiichow and so greatly counted upon the result of the battle of Hsiichow, while others stood against the further advance of the Japanese troops into the interiors, for fear of the futile enlargement of the fighting area, as it would endanger the Japanese national finance as well as the maintenance of the occupied territories. Nevertheless, in order to assure victory, it had become absolutely necessary for the Japanese Army to occupy Hankow.

Along the Lung-Hai Railway, the Japanese force started their march on the Wucheng-Hankow area in close chase of the enemy retreating from Hsiichow. But after the occupation of Langfen and Kaifeng, their vanguard was held up at Chungmowhsien, where part of the embankment of the Huangho (Yellow River) was broken by the Chinese Army.

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Through the broken embankment, the turbulent waters of the Hoangho are now reported to be running southwards, sweeping over the Lung-Hai Railway, through the Yingho, the Hwaiho and Hungtse Lake into the former course of the Hoangho and out into the sea.

By this flood, thousands of villages, large and small, were inundated with the loss of many lives and tens of millions of yen worth of crops and property. According to the reports of the Chief of the Reconstruction Office of Honan Province, the flood area is 2,300 sq. kilometers, the inundated villages more than 2,600, the washed-away houses more than half a million, and the devastated rice-fields two million and a half se'(TN: about 62,500 acres). This may well be called an act in "The Tragedy of East Asia" caused by the China Incident. I wonder if the great River Huangho is going to change its course for a seventh time since the dawn of history.

Thus, the advance of the Japanese troops along the Lung-Hai and the Peiping-Hankow railways was checked for the time being, and the main endeavours of the Japanese forces were directed towards restoring public peace in North China by sweeping away the remaining enemy forces in and around Shansi and other districts. But at the same time the Japanese Army's intention to attack Hankow was clearly revealed by their "up-the-Yangtze" strategy.

On June 11, the Japanese Navy demanded the withdrawal from the fighting area of all ships of third powers by announcing: "From this day on our Navy shall commence her attacking operations upon Hankow."

On the very next day Anking was taken by the cooperation of our Army and Navy while Tsienkiang was seized by the land force on June 17. Hukow was occupied on July 4 and July 26 saw Kiukiang fallen into the hands of the Japanese Army. Lying on the Yangtze River, Kiukiang holds an important position; it is only 50 li distant from Hankow. Further, on August 2, our Army occupied Hwangmeiksien in Hupeh Province, a vitally strategic point to defend Wuchang and Hankow. It is 36 li from Hankow. Consequently, the Chinese at Hankow were greatly dismayed. According to foreign dispatches, by the end of July the whole of the main diplomatic personnel of the Chiang Kai-shek's Government including Wang Chung-hui, Minister of Foreign Affairs, had left for Chungking. Most other non-military government offices also removed to Chungking while some fled to Hangyang-hsien or Kunming-hsien. Thus, Hangkow had turned into a purely military center, only offices of communications, transportation, munitions supply, and war industries remaining there.

The Russian Embassy had already moved and the rest of the foreign embassies and legations at Hankow had completed removing to Chungking with the Ministry of Foreign Affairs by the end of July.

At any rate, the defense of Wuchang and Hankow was got ready by Chiang Kai-shek in a purely military formation. But about the final steps for defense, the Communists and Kuomintang did not agree. The former insisted upon fighting to the last while the latter insisted on retreating as usual after some amount of fighting. It is reported, however, that the insistence of the Kuomintang on finally abandoning Hankow prevailed upon the rest.

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Chiang Kai-shek drew two defense lines for Hankow and Wuchang -- an outer and an inner one. The outer line ran from Kushih in the west of Anhwei Province through Yingshan, Taihu and Kiukiang, to Nanchang. At Kushih, Yingshan and in their environs the Hupeh, Szechwan and Yunnan Armies were posted, while at Kiukiang Nanchang and in their neighbourhood were posted the five divisions of the newly organized Kwantung Army besides more than 100,000 troops gathered from Kiangsi and Hunan. The inner defense line ran from Wushengkwan through Macheng and Huangkang to Echeng, and was defended by the Hunan Army newly created by Chang Chih-Chung, Chief of Hunan. And most of the Central Army was reported to have been gathered under the command of Chen Cheng around Wuchang and Hankow, defending the Peiping-Hankow Railway at the section between Hangkow and Wushengkwan, and the Canton-Hankow Railway at the section between Wuchang and Changsha. But the outer line had already been broken through by the Japanese offensives.

III

Japan's objective in attacking Wuchang and Hankow lies not so much in the taking--though important in itself--of these big political and military footholds of the Nationalist Government, as in the pursuit of the two vital results to be produced by the Chiang Kai-shek Government's retreat into the interior and becoming a mere local power. One of them is the opening to be made for the estrangement of the Communists from the Kuomintang by cutting the so-called red route and isolating each sphere of influence from the other. The other is the possibility for disappointing the Powers by the degeneration of the National Government into a petty local regime and causing them to give up their support of it.

These two are the fundamental objectives of Japan in this campaign, though there are minor motives such as destroying the utility for the Chinese of the Canton-Hankow Railway, and securing the economic and military utility of the Yangtze Kiang for the Japanese.

Let us consider the first objective. The Communists, as I have said before, strongly insisted upon defending Wuchang and Hankow to the last. The Hsin Hua Jih Pao, a Hankow Communist paper, published under the joint signature of such leading Communists as Chen Sao-yu (Wang-min), Chou En-lai, and Chin Pang-hsien (Po-ku), an opinion regarding "the third stage of resistance". The gist of it is as follows:

"The Spanish people held Madrid, their capital, against their enemy for two years. Why can't the brave labourers and soldiers of Wuchang and Hankow defend their cities? The crucial point is whether or not we take actual defensive steps, and not whether we are in a position to defend the cities or not.

"The most important factor to work throughout "the third stage of resistance" is the political and economic power of Wuchang and Hankow. The success or failure in the defense of the two cities greatly affects not only the third stage of resistance but the home and foreign affairs of China herself. Consequently, the third stage of resistance is closely knit with the course of this defense.

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"What are, then, the effective measures for the defense of Wuchang and Hankow as well as for the resistance of the third period?

"On the military side, it is necessary to strengthen the defense of Wuchang and Hankow, and also of the Yangtze River, and to reinforce our air force and air defense preparations. Workers, students and citizens should be organized into a self-defense corps and given military equipment and training.

"On the political side, a committee should be formed at once for a general mobilization for the defense of Wuchang and Hankow with the representatives of not only the Nationalist Military Committee and Garrison Headquarters but also of the Communists as well as of the industrial, agricultural, or commercial circles, cultural organizations and also women's organizations.

"Besides the above-mentioned items, the following may be suggested as expressing general opinions regarding the military side of the third stage resistance. Namely, the reinforcement of the equipment and disposition of the front, unification of command, organization of different army corps, military training of the masses, development of guerilla tactics, improvement in the method of conscription, etc.

"Moreover, as an active preparatory step for the third stage resistance, a political department should be at once established in everyone of the corps of different classes."

Apparently, these claims of the Communists were not accepted by the Kuomintang.

The loss of Wuchang and Hankow will affect the Communists more severely than any other group. It will, at the same time, prove not a small blow to the Soviet Union who is helping China through the Chinese Communists. The fact that the Japanese are advancing on Hankow instead of Kwangtung, will delicately affect the relations between the Soviet Union and Britain, the two main supporters of China at present.

Let us now consider the second objective. The Powers now stand at a turning point to decide their attitudes towards the China Incident. On one hand they seem to intensify their antipathy against Japan and more talks are abroad about their intended aid and loans to help China directly. But on the other hand there are some signs indicative of their approach towards Japan.

From this point of view we pay special attention to the discussions held at the British Parliament on July 26-27.

Sir Sinclair, a member of the House of Commons, said: "It is difficult for us to send any fleet or army to the Far East to support the Chinese Army. So we should advance loans to China instead."

"In order to curb Japan's foolhardiness," stated Lord Eribank (TN: phonetic), "I propose to raise the customs tariff on the goods imported from Japan into the British Isles and Dominions and, if necessary, to abrogate the Anglo-Japanese Commercial Treaty of 1911."

"It is better to check Japan in some way rather than to aid China", insisted Lord Cecil.

"Japan has repeatedly avowed her respects for British rights and interests in China and the maintenance of the open-door policy there. But in many cases, she has acted to the contrary. We don't want to hear Japan harp on the same string any more. What does the Government say about it?" demanded Milne.

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Whereupon Mr. Butler, Vice-Minister of Foreign Affairs, replied: "This problem, together with others is to be talked over in the coming conversation between Sir Robert Craigie, Ambassador to Japan, and Japanese Foreign Minister UGAKI, and its outcome is hoped to make clear to us the sincerity of the statements of the Japanese Government. Our Government has never taken any step to weaken the resisting power of Chiang Kai-shek's Government against Japan, and the fact that our government has not introduced a bill making it possible to advance loans to the Nationalist Government does not mean that it refuses to help them."

Premier Chamberlain, after explaining his reason for withholding permission against the advance of loans to China, said: "Other methods of aid are now under consideration. British rights and interests in China are so old and extensive that we cannot allow them to be lost. So we will resort to every means to defend them. When a prospect opens for sure success, our Government will not hesitate to take some measure to stop hostilities in the Far East."

The practical demands that Britain is making of Japan at present are: Free passage of the Yangtze for her ships, rehabilitation of the British staff in such leased railways as the Shanghai-Nanking, Tientsin-Pukow and Peiping-Shanhaikwan Railway, payment of the bond interests, reopening of the British factories in the Japanese occupied area, etc.

Just now the Ugaki-Craigie conversation is under way with close public attention at home and abroad.

As for German influence in China, we can say so much that General Falkenhausen and other military advisers who were robots, as it were, the contradiction lying between the German national policy and the tenacious pursuit of German merchants after commercial interests in China in the sale of munitions and others, have finally left their posts.

French and Russian military instructors are said to have taken their places.

IV

Carried out in such circumstances as the above, the attack on Hankow will be sure to mark an important period in the Sino-Japanese hostilities. But at the time when Hankow is about to fall, the Russo-Japanese border dispute has suddenly come up with aggravating force and has cast a new light upon the situation.

As we all know, it is a serious border fight waged around Changpenfeng between Japan and Russia since July 12. After unsuccessful negotiations, a fierce battle was fought around Shacheofeng and Changpenfeng on July 29-31. On August 1, some Russian airplanes flew over and bombed Korean and Manchurian border-lands where fierce fighting is still going on at present.

Since the Manchurian Incident, cases of Russo-Japanese border dispute have been innumerable, but none has been more serious than the present one. The case is so critical that there is no knowing when a war will break out between the two countries. It is possible that this dispute may develop in such a direction as to completely change the phases of the China Incident.

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Concerning this border dispute, some suspect, from the close Russo-Chinese relations, the working of some cooperative arrangements between the two countries at this crucial moment. This suspicion seems well grounded when we consider the above-described importance of Hankow in Russia's Chinese policies as well as in the policies of the Chinese Communists especially at this juncture when the city is about to fall. A further thought may lead us to conclude that the political crisis in Europe, caused by the quick advance of the Germans in Czechoslovakia, having been alleviated by the recent Anglo-German understanding, it temporarily allowed Russia to act more freely in the Far East. Or some may attribute this turn of tide fundamentally to a British policy to restrain Japan.

Still others try to explain that this is an attempt of the Russian Government externally to divert the attention of the people from Stalin's too rigorous purges, which might otherwise result in internal unrest and conflict, or that this is a Russian demonstration against the case of 3rd General Lushkow (TN: phonetic) who recently escaped from Russia to the protection of the Japanese Government.

The writer, however, would like to take it as a mere border dispute, though a rather complicated one, limited to the affected region which both parties are fighting to occupy, each believing and claiming it as their own.

But from the general objective conditions of the present Russo-Japanese relations we cannot pass it over as a mere local border dispute. It entails questions of critical nature.

Every Japanese is deeply interested in, and anxious about, the developments of Russo-Japanese relations.

At the beginning of this article, the writer has said that the Japanese as a whole are very quiet just now, so quiet that the writer cannot help feeling uneasy about it. Probably the Japanese people are beginning to realize the seriousness of the situation they are confronted with. Their apparent calmness is not a mere sign of their resignation but something more deeply rooted.

Many of us will quite agree with a certain radical political leader who said to the writer:

"It seems that a kind of apathetic resignation is prevailing among the present-day Japanese youth. I feel depressed not to hear them discuss foreign or internal social questions vigorously."

Be that as it may, it is most important for the Japanese public to know the seriousness of their present circumstances, for in doing so, they can never be vain-glorious. We firmly believe that they will in time rise from the present chaos with their own means of solution for this crisis. They will then surely display their genuine courage toward their home and foreign questions.

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DEF DOC # 147

TRANSLATION CERTIFICATE

I, Charles D. Sheldon, Chief of the Defense Language Branch, hereby certify that the foregoing translation in the attached Document is, to the best of my knowledge and belief, a correct translation and is as near as possible to the meaning of the original document.

/s/ Charles D. Sheldon

Tokyo, Japan

Date 14 January 1947

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Rej.

LOFD DEF. DOC. #147

濱口を何故墜つか

尾崎秀實

一

日本社會の諸時体制も此の頃になつてやつと本物になつて來た。吾々の疑なしに長期戰の覺が本決りになつて來た。いくら樂天家でも、現狀を甘く見てゐたものでもこゝまで來て見れば眞劍にならざるを得ない正直なところ今までは未だ何といつても大體で汗みどろ、死まみれでなく遙かな距離があつたのだ、だが、物資調達、物資動員で日常生活とつてゐる人たちと日本にゐるものとの間には極の隔があるだけではをぎりぎり締めつけられて來てはこの兩者を隔てて來た實感の薄も埋まらうではないか。

いつの間にか日本も長期戰爭の氣構へになつて來た。

だがこれは私一人のみへ過ぎかもしれないが社會一般があまり靜かであり過ぎるような氣がする。戰爭の初期に見れような一種の狂熱的な現象もあまり賛成しないが、今のような諦けさも無條件で容認していゝかどうか疑問を感じさせられる。それは一種現狀に對する諦めに

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刑たものであるような氣さへする。

で云ふ迄もなく日本が今切り切らうとしてゐる難局は生あしいもので はなく、恐らくは國民が一つの尚道なる理想に導びかれ一つの國民運動の形をとつて崩雪の如き前進運動を起すので無ければ克服し難いような性質のものなのである。

これを思ひつゝ現狀を省みる時一種の不安を感ぜずには居られないのである。

二

徐州會戰の始まる前から漢口攻略が問題になつてゐた。徐州の戰略的地位を重要視し、これに期待をかけるむきもあり、また、戰勝の餘らなる擴大を氣づかひ、それに伴つて生ずる占領地取經營の困難、日本自体の經濟の困難の增大に對する顧慮からして更に奥地へ進擊することに對して反對するむきもありはしたが、國民を確保するためには漢口攻略は絶對に必要なる條件となつて來てゐたのである。

隴海線方面に於ては徐州敗敵の追擊戰として武漢攻略戰が始められた。併しながら南封、開封占領後に支那軍の手によつて行はれた黄河

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の堤防決潰は日本軍の前進部隊を中牟に阻んだ。

黄河の濁流は、隴海線を押し切つて南下し潁河より淮河に入り洪澤

初から黄河に流れて海に注いでゐると嘯ぜられてゐる。

大小数千の村鎮を水底に葬り、数千万畝の麦作物と財産とを押し流

し幾多の人命を失はしめた河南省建設廳長よりの報告によれば侵水面

積二千三百平方キロ、侵水部落（一千六百余村、流失家屋五十余万戸

流失田二百五十万畝）大黄河は有史以来七度その河道を変じようとす

るのであるか。それはまさに日支事変の生んだ「東亜の悲劇」の一幕

である。

隴海、京漢線方面よりの進軍はかくて一応停止されたのであつたが

北支に於ては山西方面の掃蕩を始め各地の治安回復に主力が傾けられ

たが、武漢攻略の姿勢は、長江遡行戦術によつて活潑に示されたので

あつた。

六月十一日海軍は「帝国海軍は本日をもつて襄口への海攻作戦を開

始する」旨を発表し第三艦隊船の立退きを要望したのであつた。

十二日には陸海軍協同作戦により安慶を攻略、陸上部隊は十七日に

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水を占領した。七月四日には漢口を占領した。次いで二十六日には長江流域の要衝九江も我が手に陥ちたのである。九江は漢口下流五十里の地点にある。更に上部揚子江は八月二日迄北省の武漢防衛の要衝黄梅県を陥入れた。漢口を去る三十六里の地点である。かくて漢口は既に大勢極まりすに帰つてゐる。外交部の傍へるところによれば蒋政権の外交部長王寵恵以下外交部要人は七月末までに全部重慶に移転した筈でありその他非軍事的官庁も大部分漢口を引揚げ、その大部分は重慶に一部は衡陽及び宜昌に移転した筈で今や漢口は単なる軍事上の中心となり、通信、運輸、軍需品供給、軍隊直接連絡の事務所だけが残つてゐるのである。

各国大公使館もまたソ連の如きは既に移転を完了して居りその他いづれも七月末までに重慶に移転を完了した筈である。

蒋介石の純粋に武力のみに集中した武漢防衛の態勢はともかく一應とゝのへられた。もつとも武漢防衛についての最後の方策処置、即ち武漢を死守するか、或ひはまた例によつて一敗の後放棄するかについ

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ては國民黨側と共產黨側とに對立があり、共產黨側はあくまで死守を唱へたが、結局國民黨側の最後放棄に決定したと傳へられてゐる。

蔣介石の武漢防衞陣は、內外を二線に分ち外線を安河南省の邊部固めから、英山、太湖、九江、南昌の線に有るものとし、湖北省、四川軍及び湖南省を固め、英山方面に配備し、新編第東軍五個師と江西、湖南の第軍十余万を九江南昌方面の防衞に當らしめ、內線を武勝關、應城、黃岡、鄂城を連ねた線に置き、湖南省主席陳誠中の新たに編成せる湖南軍をこの線に配置し、中央軍系の大部分は武漢を中心に漢口武勝關の京漢線、信陽、長沙間の粵漢線を守備せしめ、頑敵自ら撤退に當ると傳へられた。

然して第一線は既に破れ去つたのである。

三

日本の武漢攻略の目的は、國民政府の政治軍事上の重要據點を覆滅することの重要性は無論のことであるが、寧ろ、その波及、影響が地方政權に陷落して與地に移轉することからして生じる二つの大きな

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事實に期待してゐるといふことが出來るであらう。第一は、所謂赤色ルートを中斷し、共產黨と國民黨との地盤を分離せしめることによつて兩者の分裂に導びかんとすること、第二には、全く轉落し傷在する國民政府に對する列國の期待を棄てしめ列強をして國民政府援助から手を引かしめんとすることにあるのである。

此の以外に、奥漢線の利用價値を失はしめることとか、長江の經濟的、軍事的利用價値を我方に確保する等の諸多の利益が存在してゐるか根本的にはその二つに歸し得ると思はれるのである。

第一の問題についていへば、共產黨側は武漢死守を强硬に主張してゐたのである。漢口にある共產黨機關紙「新華日報」は共產黨の領袖陳昭農、王明周恩來、秦邦憲（博古）の連名をもつてする第三期抗戰開始に關する意見を發表した。

これを要約すると次の如くである。

西牙牙人民はマドリツドを二年に亘つて保持した。武漢の勞働者及び中國軍隊の勇氣を以てすれば武漢を保持し得ないことはあるまい。

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肝要なる點は武漢保衛の一般的可能條件如何にあらずして事實武漢保衛工作を進めて行くか否かにかゝつてゐるのである。

第三期抗戰全間題の重要なる組成部分と中心點は武漢の政治保衛であり、武漢の保衛の成否か第三期抗戰に對して極めて大なる影響あるのみならず、且つ內政外交方面に對しても大なる影響かあり、從つて第三期抗戰の成敗は武漢保衛と極めて重要なる關係がある。

然らば武漢保衛並に有效なる第三期抗戰工作の具体的如何といへば軍事方面に於ては、直接武漢防衛の強化、揚子江防衛、空軍力及び防空の設備加强、勞働者、農生及び市民を以てする自衛隊の組織及び武裝訓練の必要

政治方面では、即刻保衛武漢總動員委員會の設置。これが組織分子は國民黨部、軍事委員會、及び衛戍司令部代表の他に共產黨、其他工農、商、學、文化、婦女の各代表とする。

以上の他第三期抗戰の軍事問題に對する一般的意見としては、前線部隊の武裝配備の强化、指揮の統一、各種兵團の組織、民衆武裝の指

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等、ゲリラ戰の發展、軍兵制法の改善等

なほ第三期抗戰の積極的準備として各級部隊中に政治部の速時建立

この共產黨側の主張は遂に國民黨の容れるところとはならなかつた

ようである。

武漢喪失は共產黨にとつて何よりも打擊であり、また支那を共產黨の側から援助しつゝあるソ聯にとつても少なからざる打擊を與ふることゝなるであらう。日本が南口を目指し、潼東を目指さなかつたことは支那に對する二つの現在の支柱たる、ソ聯とイギリスとの關係に對し微妙なる影響を及ぼすものと見ることが出來るであらう。

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第二の問題については、列強は今や、自らの立場を決定すべき重要なる岐路に立たせられるに到つてゐる。一面においては日本に對する悪感情は一層つのるように見え、また蔣支援助がしきりに話題にのぼりつゝあるが、他方に於ては、日本に對する接近の氣運もまた無いではないのである。

七月二十六、七兩日に亙つて行はれたイギリス議會におけるこの問題から見て最も注目すべきものがあるシンクレア下院議員は『支那軍援助のため險乃至軍艦を揚子江に派遣するのは困難だからその代り支那に借款を與へねばならぬ』と述べエリバンク卿は『日本に反省を促すためには日本から英本國に輸入される物資の制限を引上げ、必要とあれば一九一一年の日英通商協定の廢棄を斷行すべし』と述べセシル卿は『對支援助よりは寧ろ日本にある程の壓力を加ふべし』と主張

ウオールドロー・ミルン議員は『日本は支那に於ける英國の權

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重、門戸解放の存在を屢々言明してゐるが、事實は之に反するもの多く、吾等は日本のこの種の聲明を信きてゐる之に對する政府の所見如何」と述べ、

バトラー外務次官は『此の問題については他の問題とともに近く行はるべき貴族院在英大使クレーギー氏と宇垣外相との會談において討議が行はれる筈で、日本の聲明が誠意なりや否やこの會談の結果により明かにされよう、

英政府は蔣政權の對日抵抗力を弱める如き手段は何等とつたことはないが英政府が重國民政府借款を可能にすべき法律案を提出しなかつたことは、對蔣援助を拒絶することを意味するものではない』と之に答してゐる。

チェンバレン首相は借款の許可を與へなかつた事情を同様説明しその他の方法による援助につき目下考慮中でゐる、英國の在支權益は古くかつ廣汎で英國としてはこれを犠牲にすることは出來ない。

右質問に對しても政府はがて至り次第の可能性が見えるに至れば隨

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国中止のため何らかの処をとるに吝かでない、その時期に於ては英国の措置に対し万全の考を有つてゐる」と述べた。

　　同官房のイボリットが同日本に提出してゐる要求は次の諸点である

「英仏の租子江自由航行問題、海軍、海運、北支ノ治安維持に於ける英人役員の任用問題及び公債利子支払ひ要求、日本軍占領地内に於ける英人所有工場の再開等」。宇垣クレーギー会談は内外の注視を集めて行はれつゝある

　　ドイツについていへば、ドイツ西人の有する支那に対する根深い経済的利害の追求（武器顧問その他の）と、ドイツ側との矛盾のそ11表現であつたフアルケンハウゼン将軍以下の軍事顧問の引あげを完了した。之に代つたものはフランス及びソ聯の軍事教官であるといはれてゐる。

四

　　抗日政略は以上のようなる時局にあひからして日支間の抗争において要なる一つの問題を解するものに過ぎないのである。ところで抗日政略やがて成らんとする時、これに俄然新なる問題を投げたのは日ソ間

境紛争の重大化である。

この事件の解決についてはこゝに説明するまでもないが、七月十二日以降における対ソ交渉との関連の下に張鼓峰をめぐる深刻なる国境紛争であり外交交渉の不成功に次いで七月二十九日から三十一日にかけて、沙草峰及び張鼓峰附近に於て激烈な戦闘が行はれ八月一日には遂にソ連飛行機は国境を越えて朝鮮及び満洲国内国境地帯に爆撃を敢行し引続き此の部分における激烈な戦闘行為が行はれてつゝある。

満洲事変以来ソ聯との国境紛争事件は実に枚挙のいとま無き程であるが然しながら現在の如く重大な意味を帯びたことはかつて無かつたのである。それは確かに日ソの全面的衝突の危機を胎んでゐる。

この問題の発展如何によつては日支事変は全くその相貌を一変することとなるであらう。

人々はこの問題について、直ちにソ連邦及支那の間の密接なる関係に思ひ到つて両者の間に何等かの協同動作の打合せがあるのではないかとの疑念を抱くようである。まさに旦夕の命数を救ふ道口が、共

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産党及びソ聯の對支政策に於て特に重要なること前述の如しとするならば、確かにかくの如く考へることには理由が無いことではないのである。更に一層突つた考へ方によれば、歐洲におけるドイツのチェッコに對する急激なる進出による政局の危機は、英佛兩者の最近における態度によつて一應解消し、ソ聯の極東政策は一時的に自由の範圍が高められたのであると、或ひは更にイギリスの日本封制のための考慮に出た政策に基づくものであるとの說をなすものもある。

或ひはまた、スターリン獨正工作の行き過ぎによる內部的不安、矛盾を誤魔化すために外部に注意をかさんとする試みであるとし、更にまた、先頃ソ聯を脫出亡命來つたリユシコフ三等大使事件に對する示威であるとする。

筆者はたゞこれを單に現地に於ける局地的國境紛爭事件のやうこちれたものと假したいのである。擊爭地點をあくまで自國領なりと信じこれを占むるために實力を以て爭ひつゝある一地區における紛爭事件なりと假したいのである。

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そうはいふものの勿論日ソ兩國の間に横はる客觀的諸條件はこれを單なる國境における一紛爭事件として止めない深刻なる危機を包藏してゐることはいふまでもないのである。

對ソ問題の發展については日本國民の一人一人が深い關心を抱いてゐるところである。

筆者はこの一文の最初に於て日本人一般が非常に靜かであることを述べ、その靜かなことに對する不安を述べた。

恐らくは民衆はいづれも自分たちの直面する困難がなみなみならぬ深刻なものであることを今や知り始めてゐるのであらう。この靜けさは、あきらめよりも更に一層深いところに根ざすものがあらう。

吾る革新的な政治を確立する指導的な政治家は筆者に、「若い人たちの間に殆んど紅軍力が支配してゐるように見受けられる、今日彼等の口から對外問題、國内社會問題に對して活潑なる討論の聞かれないことはまことに淋しいことである」と語つた。

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我々もまたこれに近い感じを受ける。しかし大衆が自らの立つところの困難が甚だ深いところに根ざしてゐると悟ることは重要なことであり、このような場合には決して空景気は出ない筈のものである。我々は大衆がやがて深いところから自らの解決策を提げて登場することを確信してゐる。その時こそ内に對しても外に對しても眞實の勇氣が發揮されるに違ひないのである。

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DTF. DOC. #150 not admitted

TREATY OF MUTUAL ASSISTANCE BETWEEN FRANCE,

THE UNITED KINGDOM AND TURKEY.

Not Admitted

Signed at Angora, October 19, 1939.

TREATY.

The President of the French Republic, His Majesty The King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India (in respect of the United Kingdom of Great Britain and Northern Ireland), and the President of the Turkish Republic:

Desiring to conclude a treaty of a reciprocal character in the interests of their national security, and to provide for mutual assistance in resistance to aggression,

Have appointed as their Plenipotentiaries, namely;

The President of the French Republic:

M. Rene Massigli, Ambassador Extraordinary and Plenipotentiary, Commander of the Legion of Honour;

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India (in respect of the United Kingdom of Great Britain and Northern Ireland):

Sir Hughe Montogomery Knatchbull-Hugessen, K.C.M.G., Ambassador Extraordinary and Plenipotentiary;

The President of the Turkish Republic:

Dr. Refik Saydam, President of the Council, Minister for Foreign Affairs ad. int., Deputy for Istanbul.

PURL: http://www.legal-tools.org/doc/17d9b4/

Who, having communicated their full powers, found in good and due form, have agreed as follows: -

ARTICLE 1.

In the event of Turkey being involved in hostilities with a European Power in consequence of aggression by that Power against Turkey, France and the United Kingdom will co-operate effectively with Turkey and will lend her all aid and assistance in their power.

ARTICLE 2.

(1) In the event of an act of aggression by a European Power leading to war in the Mediterranean area in which France and the United Kingdom are involved, Turkey will collaborate effectively with France and the United Kingdom and will lend them all aid and assistance in its power.

(2) In the event of an act of aggression by a European Power leading to war in the Mediterranean area in which Turkey is involved, the Government of the United Kingdom and the French Government will collaborate effectively with the Turkish Government and will lend it all aid and assistance in their power.

ARTICLE 3.

So long as the guarantees given by France and the United Kingdom to Greece and Roumania by their respective Declarations of the 13th April, 1939, remain in force, Turkey will cooperate effectively with France and the United Kingdom and will lend them all aid and assistance in its power, in the event of France and the United Kingdom being engaged in hostilities in virtue of either of the said guarantees.

PURL: http://www.legal-tools.org/doc/17d9b4/

ARTICLE 4.

In the event of France and the United Kingdom being involved in hostilities with a European Power in consequence of aggression committed by that Power against either of those States without the provisions of Articles 2 or 3 being applicable, the High Contracting Parties will immediately consult together.

It is nevertheless agreed that in such an eventuality Turkey will observe at least a benevolent neutrality towards France and the United Kingdom.

ARTICLE 5.

Without prejudice to the provisions of Article 3 above, in the event of either:

(1) aggression by a European Power against another European State which the Government of one of the High Contracting Parties had, with the approval of that State, undertaken to assist in maintaining its independence or neutrality against such aggression, or

(2) aggression by a European Power which, while directed against another European State, constituted, in the opinion of the Government of one of the High Contracting Parties, a menace to its own security,

the High Contracting Parties will immediately consult together with a view to such common action as might be considered effective.

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DEF. DOC. #150

ARTICLE 6.

The present Treaty is not directed against any country, but is designed to assure France, the United Kingdom and Turkey of mutual aid and assistance in resistance to aggression should the necessity arise.

ARTICLE 7.

The provisions of the present Treaty are equally binding as bilateral obligations between Turkey and each of the two other High Contracting Parties.

ARTICLE 8.

If the High Contracting Parties are engaged in hostilities in consequence of the operation of the present Treaty, they will not conclude an armistice or a peace except by common agreement.

ARTICLE 9.

The present Treaty shall be ratified and the instruments of ratification shall be deposited simultaneously at Angora as soon as possible. It shall enter into force on the date of this deposit.

The present Treaty is concluded for a period of fifteen years. If none of the High Contracting Parties has notified the two others of its intention to terminate it six months before the expiration of the said period, the Treaty will be renewed by tacit consent for a further period of five years, and so on.

In witness whereof the undersigned have signed the present Treaty and have thereto affixed their seals.

Done at Angora, in triplicate, the 19th October, 1939.

(L. S.) R. ROSSIGLI.

(L.S.) H. M. KNATCHBULL-HUGESSEN.

(L.S.) DR. R. SAYDAM.

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DEF. DOC. #150

PROTOCOL NO. 1

The undersigned Plenipotentiaries state that their respective Governments agree that the Treaty of mutual assistance dated this day shall be put into force from the moment of its signature.

Done at Angora, in triplicate, the 19th October, 1939.

R. MASSIGLI.

H. M. KNATCHBULL-HUGESSEN.

DR. R. SAYDAM.

PROTOCOL NO. 2.

At the moment of signature of the Treaty between the United Kingdom, France and Turkey, the undersigned plenipotentiaries, duly authorised to this effect, have agreed as follows:-

The obligations undertaken by Turkey in virtue of the abovementioned Treaty can not compel that country to take action having as its effect, or involving as its consequence, entry into armed conflict with the U.S.S.R.

The present Protocol of Signature shall be considered as an integral part of the Treaty of Mutual Assistance concluded to-day between the United Kingdom, France and Turkey.

Done at Angora, in triplicate, the 19th October 1939.

R. MASSIGLI.

H.M. KNATCHBULL-HUGESSEN.

DR. R. SAYDAM.

PURL: http://www.legal-tools.org/doc/17d9b4/

DEF. DOC. #150

C E R T I F I C A T E

Statement of Source and Authenticity

I, HAYASHI, Kaoru, Chief of the Archives Section, Japanese Foreign Office, hereby certify that the document hereto attached in English consisting of 6 pages and entitled " Treaty of Mutual Assistance between France, the United Kingdom and Turkey. " is an exact and true copy of an official document of the Japanese Foreign Office.

Certified at Tokyo,

on this 13th day of December 1946.

K. Hayashi
Signature of Official

Witness: Nagaharu Odo

PURL: http://www.legal-tools.org/doc/17d9b4/

not admitted

DEF. DOC. #150

Not Admitted

佛國西國、英國及「トルコ」國間相互援助條約

千九百三十九年十月十九日「アンカラ」ニ於テ署名

（本條約ノ歐文ハ英國政府發行ノ白書　ヨリ之ヲ採リタリ）

條　約

佛國西共和國大統領、「グレート、ブリテン」、「アイルランド」及北部「アイルランド」聯合王國ニ關シ）並ニ「トルコ」共和國ハ自國ノ安全ノ爲ニ相互的性質ヲ有スル條約ヲ締結シ且侵略ニ抵抗スル爲相互援助ヲ確保センコトヲ欲シ

佛國西共和國大統領

特命全權大使、「コンマンドール、ド、ラ、レジョン、ドノール」

勳章「ルネ、マツシグリ」

及「グレート、ブリテン」海外領土皇帝印度皇帝陛下（「グレート、ブ

PURL: http://www.legal-tools.org/doc/17d9b4/

リテン」及北部「アイルランド」聯合王國ニ關シ）

特命全權大使「ナイト、コンマンダー、オブ、セント、マイクル、エンド、センド、ジオージ」「サー、ヒユー、マントガマリー、ナッチブル、ヒユージスン」

「トルコ」共和國大統領

「イスタンブール」州選出下院議員、臨時外務大臣、內閣議長「ドクトル、レフイツク、サイダム」

右各全權委員ハ其ノ全權委任狀ヲ交換シ之ガ良好妥當ナルヲ認メタル後左ノ諸規定ヲ協定セリ

第一條

「トルコ」國ニ對スル「ヨーロッパ」ノ一國ノ侵略ノ結果トシテ「トルコ」國ガ右一國トノ戰闘行爲ニ從事スル場合ニ於テハ聯合王國、政府及佛蘭西國政府ハ「トルコ」國政府ト有效ニ協力シ且之ニ其ノ爲シ得ル一切ノ助力及援助ヲ與フベシ

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DEF. DOC. #150

第二條

(ニ)「ヨーロッパ」ノ一國ニ依リ爲サレ且聯合王國及佛蘭西國ガ捲込マルベキ戰爭ヲ地中海區域ニ於テ誘發スル侵略行爲ノ場合ニ於テハ「トルコ」國ハ聯合王國及佛蘭西國ト有效ニ協力スベク且之ニ其ノ爲シ得ル一切ノ助力及援助ヲ與フベシ

(ホ)「ヨーロッパ」ノ一國ニ依リ爲サレ且「トルコ」國ガ捲込マルベキ戰爭ヲ地中海區域ニ於テ誘發スル侵略行爲ノ場合ニ於テハ聯合王國及佛蘭西國ハ「トルコ」國ト有效ニ協力スベク且之ニ其ノ爲シ得ル一切ノ助力及援助ヲ與フベシ

第三條

聯合王國及佛蘭西國ガ各自ノ千九百三十九年四月十三日ノ宣言ニ依リ希臘國及「ルーマニヤ」國ニ與ヘタル保障ガ引續キ效力ヲ有スル限リ「トルコ」國ハ聯合王國及佛蘭西國ガ前記保障ノ何レカノ一方ニ基キ戰闘行爲ニ從事スベキ場合ニ於テハ聯合王國及佛蘭西國ト有效ニ協力スベク且之ニ其ノ爲シ得ル一切ノ助力及援助ヲ與フベシ

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第四條

第二條及第三條ガ適用セラルルコトナクシテ聯合王國及佛蘭西國ガ其ノ何レカノ一方ニ對シ「ヨーロッパ」ノ一國ノ爲シタル侵略ノ結果トシテ右一國トノ戰國行爲ニ從事スル場合ニ於テハ締約國ハ卽時協議スベシ

尤モ右ノ如キ不測ノ事件ニ於テハ「トルコ」國ハ佛蘭西國及聯合王國ニ對シ少クトモ好意的中立ヲ遵守スベキコトヲ約ス

第五條

前記第三條ノ規定ヲ害スルコトナクシテ

(一)締約國中ノ一國ノ政府ガ「ヨーロッパ」ノ他ノ一國ニ依リ爲サルル侵略ニ對シ其ノ獨立若ハ中立ヲ維持スルコトニ付援助スルコトヲ其ノ同意ヲ得テ約シタル場合ニ於ケル右侵略又ハ

(二)「ヨーロッパ」ノ一國ニ依リ爲サレタル侵略ニ對シテ「ヨーロッパ」ノ他ノ一國ニ對シ仕向ケラレタルモノナルモ締約國中ノ一國ノ政府ニ

PURL: http://www.legal-tools.org/doc/17d9b4/

於テ自國ノ安全ニ對スル脅威ト爲ルベシト認メタルモノノ場合ニ於テハ締約國ハ有效ト認メラルルコトアルベキ何等カノ共同行動ヲ計畫スル爲卽時協議スベシ

第六六　條

本條約ハ何レノ國ニ對シテ仕向ケラレタルモノニ非ズ本條約ハ必要ノ生ズル場合ニ於テ侵略ニ對シ相互ノ助力及援助ヲ佛蘭西國聯合王國及「トルコ」國ニ對シ確保センコトヲ目的トスルモノナリ

第　七　條

本條約ノ規定ハ「トルコ」國ト他ノ二締約國ノ各トノ間ニ雙務的義務トシテ均シク拘束力ヲ有ス

第　八　條

締約國ガ本條約ノ適用ノ結果トシテ戰闘行爲ニ從事スル場合ニ於テハ締約國ハ合意ニ依ルノ外休戰條約又ハ平和條約ヲ締結スルコトナカルヘシ

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DEF. DOC. #150

第九條

本條約ハ批准セラルベク且批准書ハ成ルベク速ニ「アンカラ」ニ於テ
同時ニ寄託セラルベシ本條約ハ右寄託ノ日ヨリ實施セラルベシ
本條約ハ十五年ノ期間ニ付締結セラル締約國ノ何レモ本條約ヲ終了セ
ムルノ意思ヲ右期間ノ滿了ノ六月前ニ他ノ二國ニ通告セザリシトキハ
本條約ハ暗默ノ更新ニ依リ五年ノ新期間ニ付延長セラルベク爾後亦同
ジ

右證據トシテ下名ハ本條約ニ署名調印セリ

千九百三十九年十月十九日「アンカラ」ニ於テ本書三通ヲ作成ス

エル、マツシグリ（印）

エイチ、エム、ナツチブル・ヒユージスン（印）

ドクトル、アール、サイダム（印）

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DEF. DOC. #150

第一議定書

下名ノ全権委員ハ各自ノ政府ガ本日附ノ相互援助條約ヲ其ノ署名ノ時ヨリ實施スルコトニ意見一致セルコトヲ確認ス

千九百三十九年十月十九日「アンカラ」ニ於テ本書三通ヲ作成ス

エル、マッシグリ

エイチ、エム、ナツテブル・ヒユージスン

ドクトル、アール、サイダム

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DEF. DOC. #150

第二、議定書

聯合王國、佛蘭西國及「トルコ」國間ノ條約ニ署名スルニ當リ下名ノ全權委員ハ特ニ正當ノ委任ヲ受ケ左ノ如ク協定セリ

前記條約ニ基キ「トルコ」國ガ負ヒタル義務ハ「ソヴイエト」社會主義共和國聯邦トノ武裝紛爭ヘノ引入ヲ目的ト爲シ又ハ結果トシテ贊ス行動ヲ「トルコ」國ニ對シ強制スルコトヲ得ズ

本署名議定書ハ聯合王國、佛蘭西國及「トルコ」國ノ間ニ本日附ヲ以テ締結セラレタル相互援助條約ノ不可分ノ一部ト看做サルベシ

千九百三十九年十月十九日「アンカラ」ニ於テ本書三通ヲ作成ス

エル、マツシグリ
エイチ、エム、ナツチブル、ヒユージスン
ドクトル、アール、サイダム

PURL: http://www.legal-tools.org/doc/17d9b4/

DEF. DOC. #150

C E R T I F I C A T E

Statement of Source and Authenticity

I, HAYASHI, Kaoru, Chief of the Archives Section, Japanese Foreign Office, hereby certify that the document hereto attached in Japanese consisting of 8 pages and entitled "Treaty of Mutual Assistance between France, the United Kingdom and Turkey." is an exact and true copy of an official translation of the Japanese Foreign Office.

Certified at Tokyo,
on this 13th day of December 1946.

K. Hayashi
Signature of Official

witness: Nagaharu Odo

PURL: http://www.legal-tools.org/doc/17d9b4/

REF. LOC. #151

Not Admitted

AGREEMENT OF MUTUAL ASSISTANCE BETWEEN
THE UNITED KINGDOM AND POLAND.

Signed at London, August 25, 1939.

The Government of the United Kingdom of Great Britain and Northern Ireland and the Polish Government:

Desiring to place on a permanent basis the collaboration between their respective countries resulting from the assurances of mutual assistance of a defensive character which they have already exchanged;

Have resolved to conclude an Agreement for that purpose and have appointed as their Plenipotentiaries:

The Government of the UnitedmKingdom of Great Britain and Northern Ireland:

The Rt. Hon. Viscount Halifax, K.G., G.C.S.I., G.C.I.E., Principal Secretary of State for Foreign Affairs;

The Polish Government:

His Excellency Count Edward Raczynski, Ambassador Extraordinary and Plenipotentiary of the Polish Republic in London;

Who, having exchanged their Full Powers, found in good and due form, have agreed on the following provisions:-

Article 1.

Should one of the Contracting Parties become engaged in hostilities with a European Power in consequence of aggression by the latter against that Contracting Party, the other Contracting Party will at once give the Contracting Party engaged in hostilities all the support and assistance in its power.

PURL: http://www.legal-tools.org/doc/395ec1/

Article 2.

(1) The provisions of Article 1 will also apply in the event of any action by a European Power which clearly threatened, directly or indirectly, the independence of one of the Contracting Parties, and was of such a nature that the Party in question considered it vital to resist it with its armed forces.

(2) Should one of the Contracting Parties become engaged in hostilities with a European Power in consequence of action by that Power which threatened the independence or neutrality of another European State in such a way as to constitute a clear menace to the security of that Contracting Party, the provisions of Article 1 will apply, without prejudice, however, to the rights of the other European State concerned.

Article 3.

Should a European Power attempt to undermine the independence of one of the Contracting Parties by processes of economic penetration or in any other way, the Contracting Parties will support each other in resistance to such attempts. Should the European Power concerned thereupon embark on hostilities against one of the Contracting Provisions of Article 1 will apply.

Article 4.

The methods of applying the undertakings of mutual assistance provided for by the present Agreement are established between the competent naval, military and air authorities of the Contracting Parties.

Article 5.

Without prejudice to the foregoing undertakings of the

PURL: http://www.legal-tools.org/doc/395ec1/

Contracting Parties to give each other mutual support and assistance immediately on the outbreak of hostilities, they will exchange complete and speedy information concerning any development which might threaten their independence and, in particular, concerning any development which threatened to call the said undertakings into operation.

Article 6.

(1) The Contracting Parties will communicate to each other the terms of any undertakings of assistance against aggression which they have already given or may in future give to other States.

(2) Should either of the Contracting Parties intend to give such an undertaking after the coming into force of the present Agreement, the other Contracting Party shall, in order to ensure the proper functioning of the Agreement, be informed thereof.

(3) Any new undertaking which the Contracting Parties may enter into in future shall neither limit their obligations under the present Agreement nor indirectly create new obligations between the Contracting Party not participating in these undertakings and the third State concerned.

Article 7.

Should the Contracting Parties be engaged in hostilities in consequence of the application of the present Agreement they will not conclude an armistice or treaty of peace except by mutual agreement.

Article 8.

(1) The present Agreement shall remain in force for a period of five years.

(2) Unless denounced six months before the expiry of this

PURL: http://www.legal-tools.org/doc/395ec1/

Contracting Parties to give each other mutual support and assistance immediately on the outbreak of hostilities, they will exchange complete and speedy information concerning any development which might threaten their independence and, in particular, concerning any development which threatened to call the said undertakings into operation.

Article 6.

(1) The Contracting Parties will communicate to each other the terms of any undertakings of assistance against aggression which they have already given or may in future give to other States.

(2) Should either of the Contracting Parties intend to give such an undertaking after the coming into force of the present Agreement, the other Contracting Party shall, in order to ensure the proper functioning of the Agreement, be informed thereof.

(3) Any new undertaking which the Contracting Parties may enter into in future shall neither limit their obligations under the present Agreement nor indirectly create new obligations between the Contracting Party not participating in these undertakings and the third State concerned.

Article 7.

Should the Contracting Parties be engaged in hostilities in consequence of the application of the present Agreement they will not conclude an armistice or treaty of peace except by mutual agreement.

Article 8.

(1) The present Agreement shall remain in force for a period of five years.

(2) Unless denounced six months before the expiry of this

PURL: http://www.legal-tools.org/doc/395ec1/

period it shall continue in force, each Contracting Party having thereafter the right to denounce it at any time by giving six months' notice to that effect.

(3) The present Agreement shall come into force on signature.

In faith whereof the above-named Plenipotentiaries have signed the present Agreement and have affixed thereto their seals.

Done in English in duplicate, at London, the 25th August, 1939. A Polish text shall subsequently be agreed upon between the Contracting Parties and both texts will then be authentic.

(L.S.) HALIFAX.
(L.S.) EDWARD RACZYNSKI.

PURL: http://www.legal-tools.org/doc/395ec1/

DEF. DOC. #151 ✓

C E R T I F I C A T E

Statement of Source and Authenticity

I, HAYASHI, Kaoru, Chief of the Archive Section, Japanese Foreign Office, hereby certify that the document hereto attached in English consisting of 3 pages and entitled "Agreement of Mutual Assistance between the United Kingdom and Poland" is an exact and true copy of an official document of the Japanese Foreign Office.

Certified at Tokyo,
on this 13th day of December 1946.

K. Hayashi
Signature of Official

witness : Nagaharu Odo

PURL: http://www.legal-tools.org/doc/395ec1/

DEF. DOC. #151

Not Admitted

英國「ポーランド」國間相互援助協定

千九百三十九年八月二十五日「ロンドン」ニ於テ署名

署名ノ時實施

（本協定ノ歐文ハ英國政府發行ノ白書 Cmd. 6107ヨリ之ヲ採リタリ）

「グレート、ブリテン」及北部「アイルランド」聯合王國政府ト「ポーランド」國政府トハ

兩國ガ既ニ交換シタル防禦的性質ノ相互援助保障ヨリ生ズル兩國間ノ協力ヲ永久的基礎ノ上ニ置カンコトヲ希望シ之ガ爲協定ヲ締結スルコトニ決シ左ノ如ク其ノ全權委員ヲ任命セリ

「グレー、ブリテン」及北部「アイルランド」聯合王國政府

外務大臣、子爵「ハリフアツクス」

「ポーランド」國政府

英國陛下「ポーランド」共和國特命全權大使、伯爵「エドワード、ラチンスキー」

右各全權委員ハ其ノ全權委任狀ヲ交換シ之ガ良好妥當ナルヲ認メタル後左ノ諸規定ヲ協定セリ

第一條

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PURL: http://www.legal-tools.org/doc/395ec1/

一方ノ締約國ガ之ニ對スル「ヨーロッパ」ノ一國ニ依ル侵略ノ結果トシテ該國トノ戰鬪行爲ニ從事スルニ至ルトキハ他方ノ締約國ハ自國ノ爲シ得ル一切ノ支持及援助ヲ戰鬪行爲ニ從事スル締約國ニ對シ直ニ與フベシ

第二條

(一) 第一條ノ規定ハ「ヨーロッパ」ノ一國ニ依ル行動ニシテ一方ノ締約國ノ獨立ヲ明白ニ直接又ハ間接ニ脅威シ且該締約國ガ其ノ武裝軍隊ヲ以テ右行動ニ對シ抵抗スルコトヲ必要ナリト認ムルガ如キ性質ヲ有セルモノノ場合ニ於テモ適用セラルベシ

(二) 一方ノ締約國ガ「ヨーロッパ」ノ一國ニ依ル行動ニシテ「ヨーロッパ」ノ他ノ一國ノ獨立又ハ中立ヲ脅威シ之ニ依リ該締約國ノ安全ニ對スル明白ナル脅威ト爲ルガ如キモノノ結果トシテ右ノ一國トノ戰鬪行爲ニ從事スルニ至ルトキハ第一條ノ規定ハ「ヨーロッパ」ノ右他ノ關係國ノ權利ヲ害スルコトナクシテ適用セラルベシ

第三條

PURL: http://www.legal-tools.org/doc/395ec1/

「ヨーロッパ」ノ一國ガ經濟的侵入ノ方法又ハ他ノ何等カノ方法ニ依リ一方ノ締約國ノ獨立ヲ密ニ覆サントシツルトキハ締約國ハ右企ニ對スル抵抗ニ關シ相互ニ支持スベシ右ノ場合ニ於テ「ヨーロッパ」ノ右關係國ガ一方ノ締約國ニ對シ戰鬪行爲ヲ開始スルトキハ第一條ノ規定ハ適用セラルベシ

第四條

本協定ニ依リ規定セラルル相互援助ノ約束ノ適用方法ハ締約國ノ海軍、陸軍及空軍ノ權限アル官憲ノ間ニ於テ確定セラルベシ

第五條

戰鬪行爲ノ發生シタルトキ直ニ相互的支持及援助ヲ互ニ與フルノ締約國ノ前記約束ヲ害スルコトナクシテ締約國ハ其ノ獨立ヲ脅威スルコトアルベキ如何ナル進展ニ關シテモ及特ニ右約束ノ實施ヲ求ムルノ虞アリタル如何ナル進展ニ關シテモ完全且迅速ナル情報ヲ交換スベシ

第六條

(一)締約國ハ侵略ニ對スル援助ノ約束ニシテ該國ガ別國ニ對シ既ニ與ヘ

PURL: http://www.legal-tools.org/doc/395ec1/

タルカ又ハ將來與フルコトアルベキモノノ條項ヲ相互ニ通報スベシ

(二)締約國ノ何レカノ一方ガ本協定ノ實施後右ノ如キ約束ヲ與フルノ意志アルトキハ他方ノ締約國ハ協定ノ適當ナル機能ヲ確保スル爲右ニ關シ通報ヲ受クベシ

(三)締約國ガ將來新ナル約束ハ本協定ニ依ル締約國ノ義務ヲ制限シ又ハ右約束ニ參加セザル締約國ト關係第三國トノ間ニ間接ニ新ナル義務ヲ生ゼシムルコトナカルベシ

第七條

締約國ガ本協定ノ適用ノ結果トシテ敵國行爲ニ從事スルトキハ締約國ハ相互ノ合意ニ依ルノ外休戰條約又ハ平和條約ヲ締結セザルベシ

第八條

(一)本條約ハ五年間引續キ效力ヲ有スベシ

(二)右期間ノ滿了ノ六月前ニ廢棄セラレザル限リ本條約ハ效力ヲ持續スベク同樣各締約國ハ廢棄スル旨ノ六月ノ豫告ニ依リ何時ニテモ之ヲ廢棄スルノ權利ヲ有ス

(三)本協定ハ署名ノ時ヨリ實施セラルヘシ

PURL: http://www.legal-tools.org/doc/395ec1/

LEF. LOC. #151

右證據トシテ前記全權委員ハ本協定ニ署名調印セリ

千九百三十九年八月二十五日「ロンドン」ニ於テ英吉利語ヲ以テ本書二通ヲ作成ス「ポーランド」語ノ本文ハ次デ締約國間ニ協定セラルベク右ノ場合ニ於テ兩本文ハ共ニ正文タルベシ

ハリファックス（印）

エドワード、ラチンスキー（印）

PURL: http://www.legal-tools.org/doc/395ec1/

Dft. Doc. #151

C E R T I F I C A T E

Statement of Source and Authenticity

I, HAYASHI, Kaoru, Chief of the Archives Section, Japanese Foreign Office, hereby certify that the document hereto attached in Japanese consisting of 5 pages and entitled "Agreement of Mutual Assistance Between the United Kingdom and Poland." is an exact and true copy of an official translation of the Japanese Foreign Office.

Certified at Tokyo,
on this 13th day of December 1946.

K. Hayashi
Signature of Official

Witness: Nagaharu Odo

PURL: http://www.legal-tools.org/doc/395ec1/

not used

DEF. DOC. #153- The Official Gazette translated by Defense Language Branch

Extra Number (Sept. 27, the 15th year of Showa (1940)

The Imperial Rescript

It has indeed been a great ethical principle bequeathed by Our Imperial Ancestors to promote the cause of justice and humanity all over the world and thus establish universal brotherhood among all nations. And We (TN: "ChIN;" pronoun reserved for the Emperor) have always borne this matter conscientiously in mind. Now, however, the world situation has come to such a pass that there seems to be no limit to disturbances, and disasters to be suffered by mankind threaten to become immeasurable also. So, We entertain a deep concern for the removal of these evils and restoration of peace at the earliest possible date. Accordingly, We ordered Our Government to negotiate for partnership and collaboration with Germany and Italy, who share the same intentions as Japan. We are greatly pleased to see a treaty hereby concluded between the three aforementioned countries.

We feel that to allot, all countries its respective proper place and to have all people enjoy safety of life and property, is the greatest task ever incumbent upon humanity, and we are yet very far from seeing this task accomplished. Thou, our subjects, should endeavor to gain a clearer conception of Our national polity and, with careful planning and prudent deliberation, make strenuous efforts in unison, overcome the critical situation, and thus guard and maintain the prosperity of the Imperial Throne eternal as heaven and earth.

The Imperial Sign-manual and Seal 27 September, the 15th year of Showa (1940)

PURL: http://www.legal-tools.org/doc/9625c4/

DEF. DOC. #153

On this 27 day of September, the 15th year of Showa (1940)

Premier Prince	KONOYE, FUMIMARO
War Minister	TOJO, HIDEKI
Foreign Minister (Concurrently) Minister of Oversea Affairs	MATSUOKA, YOSUKE
Education Minister	HASHIDA, KUNIHIKO
Extraordinary acting Minister of Commerce and Industry Finance Minister	KAYABA, KETSU
Home Minister (Concurrently) Welfare Minister	YASUI, EIJI
Justice Minister	KAZAMI, AKIRA
Communication Minister (Concurrently) Railway Minister	MURATA, SHOZO
Minister of Agriculture and Forestry	ISHIGURO, TADAATSU
Navy Minister	OIKAWA, KOSHIRO
Director of the Planning Board	HOSHINO, NAOKI

PURL: http://www.legal-tools.org/doc/9625c4/

DEF. DOC. #153

Certificate

I, S.ITO, Asao, Chief of General Affairs Section, of the Cabinet Secretariat, certify that the Japanese document given on two attached sheets is identical with the original Imperial Rescript published in the extra number of the Japanese Government's official gazette, issued on Sept. 27th, the 15th year of Showa (1940).

On this second day of December, the 21st year of Showa (1946) at Tokyo

Chief of General Affairs Section, Cabinet Secretariat,

S.ITO, Asao (Signed and sealed)

I certify that the foregoing was signed and sealed before me.

On this of December, the 21st year of Showa (1946) at Tokyo.

(witness) Secretary of the Cabinet IKEDA, Katsuichi

(Signed and Sealed).

Translation Certificate.

I, Charles D. Sheldon, Chief of the Defense Language Branch, hereby certify that the foregoing translation described in the above certificate is, to the best of my knowledge and belief, a correct translation and is at least as possible to the meaning of the original document.

/s/ Charles D. Sheldon.

Tokyo, Japan
Dated 16 Dec. 1946.

PURL: http://www.legal-tools.org/doc/9625c4/

not used

DEF. DOC. #153

官報號外　昭和十五年九月二十七日

詔書

大義ヲ八紘ニ宣揚シ坤輿ヲ一宇タラシムルハ實ニ皇祖皇宗ノ大訓ニシテ朕ガ夙夜眷々措カザル所ナリ而シテ今ヤ世局ハ其ノ驅馳底止スル所ヲ知ラズ人須ノ豫ルベキ禍患亦將ニ測ルベカラザルモノアラントス朕ハ禍亂ノ誠定平和ノ克復ノ一日モ速ナランコトニ軫念措メテ切ナリ乃テ政府ニ命ジテ帝國ト其ノ意圖ヲ同ジクスル獨伊兩國トノ提携協力ヲ議セシメ茲ニ三國間ニ於ケル條約ノ成立ヲ見タルハ朕ノ深ク嘉ブ所ナリ

惟フニ萬邦ヲシテ各々其ノ所ヲ得シメ兆民ヲシテ悉ク其ノ堵ニ安ンゼシムルハ實古ノ大業ニシテ前途甚ダ遼遠ナリ爾臣民益々國體ノ觀念ヲ明徴ニシ深ク謀リ遠ク慮リ協心戮力非常ノ時局ヲ克服シ以テ天壌無窮ノ皇運ヲ扶翼セヨ

御名御璽

昭和十五年九月二十七日

PURL: http://www.legal-tools.org/doc/9625c4/

DEF. DOC. #153

内閣總理大臣	公爵	近衛文麿
陸軍大臣		東條英機
外務大臣兼拓務大臣		松岡洋右
文部大臣		橋田邦彦
商工大臣臨時代理		河田烈
大藏大臣		河田烈
大蔵大臣		河田烈
内務大臣兼厚生大臣		安井英二
司法大臣		風見章
遞信大臣兼鐵道大臣		村田省藏
農林大臣		石黑忠篤
海軍大臣		及川古志郎
企畫院總裁		星野直樹

PURL: http://www.legal-tools.org/doc/9625c4/

DEF. DOC. #153

證　明　書

自分佐藤朝生ハ内閣官房總務課長ナルトコロ別紙日本文二枚ヨリ成ル書類ハ日本政府官報昭和十五年九月二十七日發行ノ號外所載ノ詔書原文ト相違ナキコトヲ證明シマス

昭和二十一年十二月二日於東京

内閣官房總務課長　佐藤朝生

右ハ自分ノ面前ニ於テ署名捺印セラレタルコトヲ證明シマス

同日於同所

立會人　内閣事務官　井川克一

PURL: http://www.legal-tools.org/doc/9625c4/

DEF.
DOC. #158

Ref

PRESIDENT OF THE UNITED STATES.

INCREASING RATES OF DUTY ON COTTON CLOTH

By the President of the United States of America

A PROCLAMATION

WHEREAS pursuant to section 336 of Title III, Part II, of the Tariff Act of 1930 (46 Stat. 590, 701), the United States Tariff Commission has investigated the differences in costs of production or and all other facts and conditions enumerated in said section with respect to, cotton cloth, being wholly or in part the growth or product of the United States and or and respect to alike or similar article wholly or in part the growth or product of the principal competing country;

WHEREAS in the course of said investigation a hearing was held, of which reasonable public notice was given and at which parties interested were given reasonable opportunity to be present, to produce evidence, and to be heard;

WHEREAS the Commission has reported to the President the results of said investigation and its findings with respect to such differences in costs of production,

WHEREAS the Commission has found as shown by said investigation that the principal competing country is Japan, and that the duties expressly fixed by statute do not equalize the differences in the costs of production of the domestic article and the like or similar foreign article when produced in said principal country, and has specified in its report the increases in the rates of duty expressly fixed by statute found by the Commission to be shown by said investigation to be necessary to equalize such differences; and

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WHEREAS in the judgment of the President such rates of duty are shown by such investigation of the Tariff Commission to be necessary to equalize such differences in costs of production:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by sec. 336 (c), Title III, Part II of the said Act do hereby approve and proclaim increasing in the rates of duty expressly fixed in Paragraph 904 (b) of Title I of the said Act on cotton cloth, bleached, containing yarns the average number of which exceeds number 30 but does not exceed number 50, from 15 per centum ad valorem and, in addition thereto, for each number, thirtyfive one-hundredths of 1 per centum ad valorem, to 18½ per centum ad valorem and, in addition thereto, for each number, one-half of 1 per centum ad valorem; and increases in the rates of duty expressly fixed in Paragraph 904 (c) of Title I of the said Act on cotton cloth, printed, dyed, or colored, containing yarns the average number of which exceeds number 30 but does not exceed number 50, from 16 per centum ad valorem and, in addition thereto, for each number, thirty-five one-hundredths of 1 per centum ad valorem, to 22½ per centum ad valorem and, in addition thereto, for each number one-half of 1 per centum ad valorem.

None of the foregoing increases in rates of duty shall be applied to any cotton cloth of a kind described in Paragraph 904 (d) of Title I of the said Act.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

Done at the City of Washington this 31st day of May in the

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year of our Lord nineteen hundred and thirtysix, and of the
(seal) Independence of the United States of America the one
hundred and sixtieth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

Secretary of State.

(No. 2171)

(Filed, May 21, 1936; 4:44 p.m.)

PURL: http://www.legal-tools.org/doc/312d25/

IEF.
DOC. #158

C E R T I F I C A T E

Statement of Source and Authenticity

I, HAYASHI, Kaoru, Chief of the Archives Section, Japanese Foreign Office, hereby certify that the document in English entitled "PRESIDENT OF THE UNITED STATES -- INCREASING RATES OF DUTY ON COTTON CLOTH -- BY THE PRESIDENT OF THE UNITED STATES OF AMERICA -- A PROCLAMATION" is an exact and true copy of an official document of the Japanese Foreign Office.

Certified at Tokyo 14 November 1946.

(signed) K. HAYASHI
Signature of Official

Witness: (signed) T. SATO

PURL: http://www.legal-tools.org/doc/312d25/

DEF. LOC. #156

Ref

合衆國大統領
木綿衣類に關する關稅割當參加
アメリカ合衆國大統領により
宣言書

１９３０年の關稅法（４６法分，５９０，７０１）の第２編第３類３５６部に基き合衆國關稅委員會は全般的に或ひは部分的に合衆國の成長物であり生産物である木綿類の生産價格の差及びそれに關するすべての他の事實，條件並びに全般的或ひは部分的に主要競爭國の成長物，生産物たる同一或ひは類似品につき以上のことを研究せり。

この調査の中途に於ては意見が聽取され合理的な民間の評が加へられその關係團体は出席し證據をつくり耳をかたむけるへき適當なる機會か與へられたり委員會は大統領に該調査の結果及び生産價格のかかる差額に關する判定を報告せり。

委員會は該調査に依り次の事實を知れり。即ち主要競爭國は日本であること及び法令による所定の關稅は國內製品と該國に於て製産された類似品との價格

PURL: http://www.legal-tools.org/doc/312d25/

DEF. DOC. #156

Ref

合衆國大統領
木綿衣類に關する關稅增加率
アメリカ合衆國大統領により
宣　言　書

１９３０年の關稅法（４６法分，５９０，７０１）の第２編第５項５５６部に基き合衆國關稅委員會は全般的に或ひは部分的に合衆國の成長物であり生産物である木綿類の生産價格の差及びそれに關するすべての他の事實，條件並びに全般的或ひは部分的に主要競爭國の成長物，生産物たる同一或ひは類似品につき以上のことを研究せり．

この調査の中途に於ては意見が聽取され合理的な民間の評が加へられその關係團体は出席し證據をつくり耳をかたむけるへき適當なる機會か與へられたり委員會は大統領に該調査の結果及び生産價格のかかる差額に關する判定を報告せり．

委員會は該調査に依り次の事實を知れり．即ち主要競爭國は日本であること及び法令による所定の關稅は國內製品と該國に於て生産された類似品との價格

PURL: http://www.legal-tools.org/doc/312d25/

の差を平衡ならしめざること且つその報告に於て委員會はその調査の結果法令による所定の關稅率の增加がかゝる差額に平衡ならしめる爲に必要であると認めたことを明細に述べり。

大統領はかゝる關稅率は關稅委員會のその調査により製産價格の差額を平衡ならしめることの必要が示さるゝことゝ思ふ。

以上により余、アメリカ合衆國大統領フランクリンルーズヴエルトはこゝに該法の第2篇第3項336（C）部により余に與へられり權限のもとに羊毛綿布類に關する該法第1項904（B）章による所定の關稅率增加に實施を示し左の如く宣言す。織糸各有量平均數30以上50以下の從價稅13%それ以上は各數毎に從價稅 $\frac{35}{100}$ %づつ $18\frac{1}{2}$%に至るまで增加それ以上は各數毎に $\frac{1}{2}$ %づつ增加す

印刷或ひは染色せる或ひは捺色せる綿布類に關しては左の如く關稅率を增加する。即ち平均數30以上50以下の綿糸を含む場合は從價稅16%それ以上は數毎に從價稅 $\frac{35}{100}$ づつ $22\frac{1}{2}$ %まで增加それ以上は各數毎に $\frac{1}{2}$ %づつ增加す。

PURL: http://www.legal-tools.org/doc/312d25/

DEF. EXH. #158

前述の關税率增加は何れも前記法第1項904(D)
章の綿布項には適用せられない
こゝに證據として余は自ら署名しアメリカ合衆國の
印となすものである　　印

フランクリン　ルーズヴエルト

大統領により

國務卿コオルデエール　ハル

（No 2171）

（1936年5月21日午後4時44分提出）

PURL: http://www.legal-tools.org/doc/312d25/

DEF. DOC. #158

Translated by Defense Language Branch

證　明　書

出所並びに真偽に關する證明書

余、日本外務省記錄課長林龍、次のこと證明す。

英語で記された文書表題「合衆國大統領一木綿改
良に關する關稅增加率一アメリカ合衆國大統領に
より一證明書」は正確且つ眞實なる日本外務省公
文書の寫書なり。

１９４６年１１月１４日　東京にて

署名　林　龍

證人　佐藤

not used

DEF DOC No. 160

Translated by the
Defense Language Branch

International Military Tribunal for the Far East.

The United States of America, et al)

- Against -)

ARAKI, Sadao, et al)

Affidavit (translation)

OHTA, Kōzō, Affiant.

I, OHTA, Kōzō, having first duly sworn according to the customary formality in this country, depose and state as follows;

1. 15 DEC 1889 - Born at Fukushima City.
2. 1920 - Graduated at the Imprial University (British Law Section)
3. From APR 45 to AUG 45 - Served as Minister of Education in the SUZUKI Cabinet.

When the SUZUKI Cabinet accepted the Potsdam Declaration, I understood that war criminals in the said Declaration meant conventional war criminals according to existing international law,

including neither leaders of the people nor high officials in important positions of the State who had no relation with the said conventional war crimes.

SUGAMO Prison,

This 5th day of December 1946

OHTA, Kōzō, Affiant.

PURL: http://www.legal-tools.org/doc/47f616/

DE: DOC No. 160

The written oath

I swear according to my conscience to state the whole truth, conceal nothing and to add nothing

OHT., Kōzō
(Signed and Sealed).

PURL: http://www.legal-tools.org/doc/47f616/

DEF DOC No. 160

Sworn to and subscribed before me at the above mentioned date and place.

SHIOBARA, Tokisaburo
Witness.

PURL: http://www.legal-tools.org/doc/47f616/

Def. Doc. #160

C E R T I F I C A T E

I certify that I am the duly assigned Investigating Officer for the Defense Section of the Major War Crimes Trial, and that I was present on 5th December 1946 at the interrogation of OHTA, KOZO in Sugamo Prison. I further certify that the foregoing affidavit was interpreted and translated to me by MATSUSHITA, Masatoshi. Sworn to and suscribed before me this 5th December 1946.

David W. Parsons, Capt. Inf.
Investigating Officer,

Translation Certificate.

I, Charles D. Sheldon, Chief of the Defense Language Branch, hereby certify that the foregoing translation of the affidavit of OHTA, Kozo is, to the best of my knowledge and belief, a correct translation and is as near as possible to the meaning of the original document.

/s/ Charles D. Sheldon.

Tokyo, Japan
Date 2 Dec. 1946

PURL: http://www.legal-tools.org/doc/47f616/

not used

DEF DOC No. 160

極東國際軍事裁判所

亞米利加合衆國其他

對

荒木貞夫其他

宣誓供述書

供述者　太田耕造

自分儀我國ニ行ハルル方式ニ従ヒ先ヅ別紙ノ通リ宣誓ヲ爲シタル上次ノ如ク供述致シマス

DEF DOC No. 160

宣誓

良心ニ從ヒ眞實ヲ述ヘ何事ヲモ祕シセズ又何事ヲモ加ヘザルコトヲ誓フ

太田耕造

D.F.DOC. No. 160

昭和廿一年（一九四六年）十二月五日　於巣鴨拘置所

供述者　太田耕造

右ハ宣立会人ノ面前ニテ左ノ如ク且ソノ署名拇印シタルコトヲ證明シマス

於同所

立會人　陸軍時三郎

一、明治二十二年十二月十五日　高崎市ニ生ル

二、大正九年帝大英法科卒業

三、昭和二十年四月ヨリ八月マデ鈴木内閣文部大臣トナル

鈴木内閣ノポツダム宣言受諾セル時私ハ右ポツダム宣言ニ於ケル戦争犯罪人トハ従来ノ國際法ニ於ケル通例ノ戦争犯罪人ヲ意味スルモノデアリ國民ノ指導者ヤ右通例ノ戦争犯罪ト関係ナキ國家ノ要路者ハ之ヲ含マザルモノト理解シテ居リマシタ。

DEF DOC No. 160

PURL: http://www.legal-tools.org/doc/47f616/

Def. Doc. # 167 Rej

Article from The Japan Chronicle, July 3, 1931.

CHINESE ATTACK KOREANS - Bond of 400 Destroy Dam Built Under Guard. Another Changchun Incident.

In connection with dispatches from Changchun reporting a collision between the local Japanese and Chinese authorities in consequence of the persecution of Korean farmers by Chinese, the Asahi says that the question of the persecution of Korean farmers at Manpaoshan, about 30 kilometres north of Changchun, dates from May 31st, when 300 Chinese policemen were sent to clear the place of about 200 Korean farmers.

The situation became tense at one time, but the negotiations subsequently opened by the Consulate-General at Mukden with the authorities of Kirin pvovince eased the situation appreciably. The Chinese authorities consented to the continued residence of the Koreans, but insisted on the abandonment of the work on which these Koreans have been engaged, namely building dams on a river. The Japanese authorities rejected the demand on the ground that the Koreans being used to the planting in paddy fields, it is impossible for them to take to planting in dry fields. Moreover, it was pointed out, it is too late to change the programme. For the loss resulting from the dam construction work the Japanese authorities offered to make due Compensation. The Chinese side, however, was insistent, and no agreement has hitherto been reached. In the meantime, the Japanese side, deeming it of vital necessity for the Korean farmers to Complete the dam construction work for irrigation purposes, the work was carried on and finished on the 27th ultimo. The Chinese authorities connived at it, evidently willing to take the matter up later.

On the 1st instant, however, over 400 Chinese farmers raided the district in a body, wrecked the dam and committed outrages.

PURL: http://www.legal-tools.org/doc/4b42f8/

Def. Doc. # 167 Rej

Article from The Japan Chronicle, July 3, 1931.

CHINESE ATTACK KOREANS - Bond of 400 Destroy Dam Built Under Guard. Another Changchun Incident.

In connection with dispatches from Changchun reporting a collision between the local Japanese and Chinese authorities in consequence of the persecution of Korean farmers by Chinese, the Asahi says that the question of the persecution of Korean farmers at Manpaoshan, about 30 kilometres north of Changchun, dates from May 31st, when 300 Chinese policemen were sent to clear the place of about 200 Korean farmers.

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PURL: http://www.legal-tools.org/doc/4b42f8/

Ref

Def. Doc. # 167

辯護側書證第一六七號

昭和八年七月三日「ジヤパンクロニクル」紙ヨリ

支那人鮮人ヲ襲撃

四百ノ暴徒督戦下ニ構築中ノ

「ダム」ヲ破壊、第二ノ長春事件

支那人ノ鮮農壓迫ヨリ生ジタ長春地方日本人支那人間ノ衝突ヲ報ズル同紙ヨリノ電報ニ依レバ、朝日新聞ハ長春北方約三十粁ノ萬寶山ニ於ケル鮮農壓迫問題ハ三月三十一日ニ支那警官三百名ガ同地ヨリ約二百名ノ鮮農ヲ立退カセヨウトシタコトニ始ルト述ベテヰル。

暴挙ハ一時非常ニ緊迫シタガ、ソノ後我ガ奉天總領事ト吉林省當局トノ間ノ交渉ニヨリ大分緩和サレタ。

支那側當局ハ右鮮人ガ今後モ同地ニ居住スルコトニハ同意シタガ、コレラ鮮人ガソレマデナシツツアツタ工事、即チ河ニ「ダム」ヲ築クコトハ是非止メテホシイト主張シタ。ソレニ對シ日本側當局ハ鮮人ハ從來水田

PURL: http://www.legal-tools.org/doc/4b42f8/

DLF LOC // 167

耕作ニ慣レテヰルタメ、今トナツテ乾田耕作ヲ始メルコトハ不可能デアルトノ理由ニ基キ、支那側ノコノ要求ヲ拒否シタ。更ニモウ一ツノ理由ハ今トナツテ計畫ヲ變更スルコトハヘデニ測イトイフノデアツタ。

日本側當局ハ右工事ヨリ生ズベキ損害ハ正當ニ賠償スルト申出タ。シカシ支那側ハ依然強硬デアツテ、現在マデノトコロ和解ノ成立ニ至ツテヰナイ。一方日本側ハ鮮人ガ灌漑ノタメニ「ダム」築造工事ヲ完成スルコトガ絶對必要デアルトイフ見地ヨリ、工事ヲ續行シ、先月二十七日ニコレヲ完成シタ。支那側當局ハコレヲ默認シタ形デアツタガ、コノ間隙ヲ衝イテ後ニ再ビトリ上ゲヨウトイフ意圖ガ認メラレタ。

所ガ今月一日ニ至ツテ、四百人以上ノ支那農民ガ大擧シテ現場ヲ襲ヒ「ダム」ヲ破壞シ、暴行ヲ働イタ。

Def. Doc. 169

AN INFORMAL STATEMENT MADE BY THE CHIEF SECRETARY OF THE CABINET, EXPRESSING THE VIEWS OF THE JAPANESE GOVERNMENT.

July 27, 1937.

For Japan, the preservation of peace and order in North China is always a matter of serious concern. However, the Chinese policy of relentless opposition against Japan has frequently threatened the tranquillity of that region, leading finally to the Lukouchiao Incident of the recent date. From the outset the Japanese Government have, in the interest of the peace of East Asia, made it their policy to seek non-aggravation of the situation and a settlement on the spot and they have striven to dispose of the problem in a peaceful manner. To the Hopei-Chahar Political Council Japan made only such demands as were most lenient and localized in character and scope--namely, discontinuation of the stationing of Chinese troops in the vicinity of Lukouchiao and on the left bank of the Yungting River, the necessary guarantees for the future, punishment of those directly responsible and apology from their superiors. The Hopei-Chahar authorities agreed to these terms of settlement on the night of July 11, but no sincere attempt to carry them out has been made during all these days past. On the other hand, the Japanese Government addressed a memorandum to the Nanking Government on July 17, advising them to cease immediately from all provocations by word or deed, and not to interfere with the settlement on the spot. The Nanking Government, in their utter disregard of the realities of the situation, not only have rejected our proposals, but have pushed on even more vigorously their warlike preparations, increasing the

PURL: http://www.legal-tools.org/doc/4b42f8/

tension all the more. It was while the Japanese Government, patient and forbearing, were still continuing their endeavours to effect a peaceful solution, that on July 26, our soldiers, engaged in repairing telegraph lines, were unlawfully fired upon by the Chinese, and that in the evening of the same day the Chinese shut the gate of Peiping upon our forces who, with the understanding of the Hopei-Chahar authorities, were entering the city in order to protect our residents there.

These outrages clearly constitute armed obstruction of the execution by our North China Garrison of their primary duties of protecting our nationals and of insuring free communications between Peiping and Tientsin. The Japanese Army is now compelled to resort to such self-defensive measures as are necessary for executing its own duties as well as for insuring the fulfilment of the terms of settlement. Of course, Japan has no other objectives in view save the eradication of the very causes of all untoward intents such as the present one. She entertains no enmity toward the innocent people of China, nor does she harbor any territorial designs. It goes without saying that she will make every effort to safeguard the rights and interests of the Powers.

Though things have come to such a pass, even now, Japan, whose mission is to secure peace in East Asia, hopes most fervently that China will yet reconsider, and thereby make it possible to minimize the scope of the present incident and to bring about an early and amicable settlement.

PURL: http://www.legal-tools.org/doc/4b42f8/

Def. Doc. 109

C E R T I F I C A T E

Statement of Source and Authenticity

I, ODO, Nagaharu, Assistant Chief of the Archives Section, Japanese Foreign Office, hereby certify that the document hereto attached in English consisting of 2 pages and entitled "An Informal Statement made by the Chief Secretary of the Cabinet, expressing the views of the Japanese Government, July 27, 1937." is an exact and true copy of an official translation of the Japanese Foreign Office,

Certified at Tokyo,

on this 30th day of December, 1946.

(signed) Nagaharu ODO
Signature of Official

Witness: (signed) M. ISHIDA

PURL: http://www.legal-tools.org/doc/4b42f8/

DEF. DOC. #169

not used

内閣書記官長發表（昭和十二年七月二十七日）

政府ハ先般ノ閣議ニテ決定セル自衛的措置ヲ講スルニアタリ、本日院内閣議ニテ書記官長ヲシテ政府ノ意嚮ヲ左ノ如ク發表セシムルコトトシタ

北支ノ安寧ハ帝國ノ常ニ至大ノ關心ヲ有スル所ナリ。然ルニ支那側ノ徹底セル排日抗日政府ハ屢々北支ノ平和ヲ脅威シ遂ニ蘆溝橋事件ノ勃發ヲ見ルニ至レリ。

顧ミ帝國ハ東亞平和ノ爲事件不擴大、現地解決ヲ方針トシテ平和的處理ニ努メ、冀察側ニ對シ支那軍ノ蘆溝橋附近永定河左岸地帶停止、將來ニ關スル所要ノ保障、直接責任者ノ處罰及謝罪ノ極メテ寛大且局地的ナル條件ヲ要求シタルニ過ギス、冀察側ハ七月十一日夜右條件ヲ承認シタルモ之ガ實行ニ誠意ヲ示サズシテ今日ニ及ヘリ。一方帝國政府ハ七月十七日南京政府ニ對シ、アラユル挑戰的言動ヲ即時停止シ且現地解決ヲ妨害セサル樣注意ヲ喚起シタ

FILE COPY
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DEF. DOC. #L69

ルモ、南京政府ヘ現實ノ事態ヲ無視シ帝國政府ノ主張ヲ容レス、却ツテ益々戰備ヲ整ヘ愈々不安ヲ增大セシムルニ至レリ。然レトモ帝國ハ尙ホ隱忍、平和的解決ニ努力中支那側ヘ七月二十六日郎坊ニ於テ電線修理ニ任スル我部隊ニ不法射撃ヲ加ヘ、更ニ同日夕居留民保護ノ爲實察側ノ諒解ヲ得テ北平城ニ入城中途ノ我部隊ニ對シ突如城門ヲ閉鎖シ不意ニ急襲スルノ暴擧ニ出テタリ。右兩事件タルヤ我駐屯軍本然ノ任務タル北平、天津間ノ交通線ノ確保及居留民ノ保護ニ對スル支那軍ノ武力妨害ニシテ今ヤ軍ハ此ノ任務遂行竝ニ協定事項ノ履行確保ニ必要ナル自衛行動ヲ採ルノ已ムナキニ至レリ。固ヨリ帝國ノ期スル所ヘ、今次事件ノ如キ不祥事發生ノ根因ヲ芟除スルニ在リテ善良ナル民衆ヲ敵視スルモノニアラス。又帝國ヘ何等領土的企圖ヲ有セス、且列國ノ權益保護ニヘ最善ノ努力ヲ惜マサルコト勿論ナリ。東亞ノ平和確保ヲ使命トスル帝國ヘ事玆ニ至ルモ今尙支那側ノ反

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DEF. DOC. #169

省ニ依リ局面ヲ最小ノ範圍ニ限定シ、速カニ圓滿ナル解決ヲ見ン
コトヲ切望スルモノナリ。

PURL: http://www.legal-tools.org/doc/4b42f8/

Def. Doc. 169

C E R T I F I C A T E

Statement of Source and Authenticity

I, ODO, Nagaharu, Assistant Chief of the Archives Section, Japanese Foreign Office, hereby certify that the document hereto attached in Japanese consisting of 3 pages and entitled "An Informal statement made by the Chief Secretary of the Cabinet, expressing the views of the Japanese Government, July 27, 1937." is an exact and true copy of an official document of the Japanese Foreign Office.

Certified at Tokyo,

on this 30th day of December, 1946.

(signed) Nagaharu ODO
Signature of Official

Witness: (signed) H. ISHIDA

PURL: http://www.legal-tools.org/doc/4b42f8/

DEF. DOC. # 170 Rejected

P.114 STATEMENT OF THE FOREIGN OFFICE REGARDING THE INCIDENT OF SHELLING THE LADYBIRD AND OTHER BRITISH VESSELS.

DECEMBER 30, 1937

At the request of the Foreign Minister, Mr. Koki Hirota, the British Ambassador, Sir Robert Craigie, called upon the Foreign Minister on the 28th December, and was handed the Note of the Japanese Government with respect to the incidents of attacks made on the Ladybird and other British vessels.

Essential contents of the Japanese Note are as follows:

Monsieur L'Ambassadeur,

Concerning the incidents that occurred on the 12th instant in which Japanese forces attacked British men-of-war
P.115 and merchant vessels by mistake, I had the honour to address a Note under date of the 14th instant tendering the profound apology of the Japanese Government, and stating that they have taken the necessary steps to prevent the recurrance of similar incidents, and that they would deal properly with those responsible and also defray the necessary compensation. Your Excellency sent a Note in reply under date of the 16th instant, in which Your Excellency, after describing the circumstances surrounding the incident, said (1) that the British Government were glad to receive my Note of the 14th mentioned above, (2) that they requested an assurance that the contents of my Note would apply to the attacks upon the British merchant vessels,

PURL: http://www.legal-tools.org/doc/c98063/

(3) that they took particular note of the point that those responsible would be suitably dealt with, and (4) that they desired to be informed that measures had been actually taken of a character which would put a definite stop to incidents of such a kind. I hastened to assure your Excellency immediately in my Note of the 17th instant that what I had said in my Note of the 14th would, of course, apply to the British merchantvessels that had been attacked under such circumstances.

Upon the occurrence of the present incident the Japanese Government did their best to ascertain the facts of the case; but unfortunately, for various reasons, such as the wide separation of the units concerned which was consequent upon the progress of the military operations, and the inadequacy of the means of communication, the completion of the investigation p.116 has been delayed. We have now at length received a full report covering all aspect of the incidents, of which the principal points have already been explained by our military and naval authorities to members of Your Excellency's Embassy. As Your Excellency must have gathered from this report, the present incidents were, in each case, due to the fact that our armed forces concerned had taken it for granted that under the circumstances which prevailed at the time all foreign warships and vessels had sought refuge from the theatres of battle and from their vicinity, and that there could be no other vessels left in those localities than those of an enemy character, and also to the fact that just then, owing to the

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thick fog or haze, visibility was extremely poor: and there is no room for doubt as to the fact that our forces never attacked those vessels intentionally, knowing them to be of British nationality. This is clearly apparent in the light of the one fact alone that our naval air squadrons and military units ceased firing the instant they discovered the nationality of the ships, and our soldiers gave assistance in taking care of the dead and wounded of the "Ladybird".

As regards the assertion advanced to the effect that our military commander concerned spoke of his having received an order to fire upon all vessels on the Yangtze, the Japanese Government have, with special concern, investigated the matter, P/117 and it has been established that the alleged order applied only to all vessels used for military purposes by the enemy, and it was never meant to apply to the vessels of third Powers.

As regards the matters of an apology on behalf of the Japanese Government and compensation, it is only necessary to reaffirm what I have said in my previous Note. As for the treatment of those responsible, although it has been established that the incidents were entirely due to a mistake, the Japanese Government, in order to insure against all possibility of similar mistakes, have dealt properly with those responsible on the ground that they failed to take the fullest measures of precaution.

Finally, as regards the guarantee for the future, the Army and the Navy issued, immediately after the incidents,

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strict orders to the forces to guard against a repetition of such mistake by exercising the greatest caution in every area where vessels of Great Britain and other third Powers are found. Also, both the military, naval and diplomatic authorities on the spot have, in view of the present untoward incidents, renewed the rigid instructions that had been repeatedly given to safeguard life and property in the case of third Powers. The Japanese Government are studying, and expect to carry out, every possible means of realizing the above aims. For instance, they intend to ascertain, in still closer cooperation with the British authorities, the whereabouts of British nationals and interests, and to communicate intelligence thereof to the authorities on the spot, and also to subordinate units, and p.118 they have taken steps to improve the facilities of communication for the speedy and effective transmission of orders,

The Japanese Government have taken all these measures enumerated above in their sincere desire to render more effective and certain the guarantee for the rights and interests of Great Britain and other third Powers, and I earnestly hope that this will be appreciated by the British Government.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

PURL: http://www.legal-tools.org/doc/c98063/

DEF. DOC. #170

C E R T I F I C A T E

Statement of Source and Authenticity

I, ODO, Nagaharu, Assistant Chief of the Archives Section, Japanese Foreign Office, hereby certify that the document hereto attached in English consisting of 4 pages and entitled "Statement of the Foreign Office Regarding the Incident of Shelling the Ladybird And British Vessels, December 30, 1937" is an exact and true copy of an official trans. of the Japanese Foreign Office.

Certified at Tokyo,
on this 17th day of January, 1947.

(Signed) Nagaharu Odo
Signature of Official

Witness: (Signed) H. Ishida

PURL: http://www.legal-tools.org/doc/c98063/

Rejected

Def. Doc. #170

「レディバード」號其他英國商船攻撃
事件ニ關スル外務省發表（十二月三十日）

四、十二年十二月二十八日廣田外務大臣ハ在本邦「クレイギー」英國大使ノ求メニ依リ「レディバード」號其他英國商船攻撃事件ニ關スル左記要旨ノ回答ヲ千本ヤリ

本月十二日無錫及南京方面ニ於テ帝國軍カ誤ツテ貴國軍艦及商船ヲ攻撃シタル事件ニ關シテハ本月十四日附拘致ヲ以テ帝國政府ノ深厚ナル陳謝ヲ表明スルト共ニ同種事件再發防止ノ爲直ニ必要ナル措置ヲ執リタル旨及責任者ニ對シ適當ナル處罰ヲ與フヘク又必要ナル賠償ヲ行フヘキ旨申送メタルニ對シ閣下ヨリ本月十六日附書翰ヲ以テ本事件ノ事情ヲ述ヘラレタル後(一)前記本月十四日附拘致ヲ受領シタルハ英國政府ノ欣喜トスル所ナル旨(二)英國政府ハ右拘致申送メノ次第ハ英國商船ニ對スル攻撃ニ付テ帝國軍用ヲラルヘシトノ保障ヲ求ムル旨(三)英國政府ニ於テハ責任者カ適當ニ處罰セラルヘシトノ點ヲ歡迎シ且重視スル旨並ニ(四)英國政府

(1)

Dep. Doc. #170

ニ於テハ此種事件ノ再発ヲ確実ニ防止スルカ如キ措置カ実現ニ至ラレタルコトニ付満足ノ意ヲ得度キ旨ノ意見ヲ申述ヘ相成リタルヲ以テ不取敢本月十七日附ヲ以テ前記十四日附ヲ申述メノ次第ハ同様状況ノ下ニ於テ政府ヤラレタル貴国商船ニモ適用ヤラルヘキコト勿論ノ次第ナル旨回答シ尚本件ノ発生スルヤ帝国政府ハ直ニ鳥相約時ニ実力シタルモ其後作リタル本事件ニ付テハ係部分ヲ訂正シ通信致候旨ノ趣意ヲ以テ貴方ヨリ訓令アリタル旨ヲ通告シ来リシ等ノ事情ニ鑑ミルニ今般ノ事件ハ全ク偶然的ノ出来事ニシテ貴方ニ於テ故意ニ之ヲ惹起セシメタルモノニ非サルヲ認メラルルヲ以テ帝国政府ハ本事件ニ関シ貴国政府ニ対シ何等ノ責任ヲ負フヘキモノニ非サルヲ信スル旨ヲ回答シタルニ対シ貴方ニ於テハ之ヲ了承シ且ツ攻撃ヤラレタル商船ノ船長ニ対シ発砲ヲ差控ヘサリシ事情ニ付テハ十分ノ理由アリシモノト認メラルル旨ヲ述ヘラレタリ

之ヲ要スルニ本事件ニ付テハ貴我両国政府ノ間ニ意見ノ相違ヲ来シタルモノニ非ス

PURL: http://www.legal-tools.org/doc/c98063/

(3)

PURL: http://www.legal-tools.org/doc/c98063/

對ニ今回ノ如キ通商ヲ繰返サヌル樣努ムヘキ旨嚴ニ命令シタル外從來屢出先陸海軍竝ニ外務官憲ニ對シ訓令濟ナルモ更ニ今回ノ不祥事件ニモ鑑ミ英國其他第三國人ノ生命財產ニ對シ攻擊ヲ加ヘサル樣一層切實周到ナル注意ヲ加フヘキ旨嚴重ニ訓令シテ最前ノ目的ノ達成ヲ一層有效ナラシムヘキ一切ノ手段ニ關シテモ愼重ナル考究ヲ重ネ最カ實行ヲ期シ居ル次第ニシテ即チ貴國民留民及權益ノ所在等ニ關シテハ更ニ貴方ト十分連絡訓令ノ上速時之ヲ出先ニ通報シ下級部隊ニ至ル迄徹底セシメンコトヲ期シ其通信方法ニ付テモ特ニ確實迅速ヲ期スル樣考慮ヲ加ヘタル次第ナリ、以上述ヘタル如ク帝國政府ニ於テ速ニ適當ナル措置ヲ執リタルコトハ今ク帝國政府カ英國竝ニ其他第三國ノ權益ヲ保護セントスルノ誠意ニ出テタルモノナルコトト信スルモノナリ。

(4)

ルコトハ閣下ニ於テ能ク御諒承相成

D.F DOC # 170

C E R T I F I C A T E

Statement of Source and Authenticity

I, ODO, Nagaharu, Assistant Chief of the Archives Section, Japanese Foreign Office, hereby certify that the document hereto attached in Japanese consisting of 4 pages and entitled" Statement of the Foreign Office regarding the Incident of Shelling the Ladybird and British Vessels, December,, 30, 1937" is an exact and true copy of an official document of the Japanese Foreign Office.

Certified at Tokyo,
on this 17th day of January, 1947.

(Signed) Nagaharu. ODO
Signature of Official

Witness : (Signed) ... Ishida

PURL: http://www.legal-tools.org/doc/c98063/

DLE. LOC. #175

Rejected

Extracts from East Asia pamphlet No.4. Translated by
Two Speeches given at the Pacific Conference Defense Language
Nov. 4. 1929, given by Yosuke Matsuoka French
Published by East Asia Economic Research Bureau.

I. MANCHURIA PAST AND PRESENT

By MATSUOKA, Yosuko

Manchuria is often called in Europe and America, the central zone of war, or "the Balkans of Asia". Many writers point out this area as the stage of 'the next world war'. But in recent years a great influx of Chinese immigrants into Manchuria created a topic for the whole world. In consequence the economic development of Manchuria has drawn much attention. This certainly is an important phase. I would like to discuss this phase. Amidst attacks and abuse Japan has been calmly and boldly striving and concentrating all energies on her objective for more than twenty years. Japan, as she has not forgotten in the past, cannot forget to consider her security seriously. I think you remember that once Russia trampled down Mongolia and Korea with the tacit consent of China and almost succeeded in occupying Manchuria. History reports itself, and Japan has still reason to be apprehensive for her safety. Regardless of this situation, giving her best talent to the development of Manchuria, Japan has been striving to achieve her objective. The world has begun to recognise the actual fact that the thirty years' history of Manchuria is a record of development probably never known in the world's history and fortunately this record will hold out and another will be created in several dozen years to come. In order to make a full estimation of Manchurian achievement, I think it is necessary to make various comparative studies. In the first place, comparison must be made by tracing back to the age of Manchuria before NEWCHWANG (YINKOW) was opened as a foreign trade port. Only seventy years ago Manchuria was nothing but a deserted, uncultivated area, thinly popu-

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lated with no contact with the modern civilised world, the only exception being that trade in furs and hides was carried out across the Siberian border. The government of the CHING Dynasty in Peking was not only loath to encourage the cultivation of Manchuria, but tried every means to impede it. For instance, the government enforce its policy of forbidding the Chinese to emigrate into areas north of the Great Wall. It was only in 1905 that the laws and orders relatir to this were abolished. The Manchurian court in Peking deemed Manchur a forbidden land isolated from other Chinese areas and the Chinese were not allowed to settle there.

The history of Manchuria's connections with other powers at lar dates from the day when NEWCHWANG was opened as a port. But the dev opment of the port since its opening was so slow that after forty years its annual foreign trade did not exceed 20 million Haikwan (T Custom) Tales. This slow development was due to the fact that at the time the sole dependable traffic facilities in Manchuria were rivers and streams NEWCHWANG (YINKOW) situated at the mouth of a river, enjoyed an advantageous position in trade. But as the railway came to occupy the foremost position as a means of transportation and the river froze during the most important months of the year, this circumstance had been an obstacle to the port of NEWCHWANG achieving a large scale commercial development.

The large scale development of Manchuria which has been realised within these thirty years, in fact, entirely dependedon the opening of railway transportion. It was the construction of that huge T form Eastern China Railway by the Russians that took an initiative in thi field. Although the Russians laid the railroad chiefly in strategic consideration, the distribution of the railway lines was suitable for

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commercial development. One was a commercial line stretching from ea: to west, with Vladivostock as the central port, and the other was the line running from south to north having, Dairen as its terminus. The reason why I specially lay stress on this, is very clearly shown in that Manchurian development in future may be achieved by following the original Russian plan which confirmed the above mentioned success by building the rail roads in four directions. While Russians should be crowned with the honour of having taken an initiative toward the development of Manchuria according to modern principles, it is also plain fact that the Russian undertakings in Manchuria did not give an noteworthy benefit to the world. Namely, the Russians used the Manchurian railway entirely for their own purpose, without opening this to others. So there was no other way for other nations to carry on trade in Manchuria except through NEWCHWANG as before. Later the situation made a rapid change when Japan came to possess the most part of the southern line of the Eastern China Railway, opened this railway to every nation of the world, made DAIREN a free port and quickened the opportunity for opening many commercial markets in all Manchuria. Thus Japan brought a motive power to make this area a really important factor in the world's commerce.

During this period or within a few years after the Russo-Japanes War, the resources of Manchuria were, properly speaking, a possibilit rather than an actuality. I think the prosperity of Manchuria as we see it to-day is to be attributed to the achievements performed in the past quarter century. The main factors of this development consist in the South Manchuria Railway and several Japanese interests on account of which the Japanese government is responsible for maintaining peace and order in Manchuria. Among the twenty eight ports and

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markets opened for Manchurian trade, twenty four were opened by Japanese proposals. Even so, we could have anticipated the present prosperity of Manchuria without the Japanese contribution in affording t two factors essential for Manchurian international development, name peace and safe steady communication facilities.

If we go back to the time before Japanese interests originated and compare the past Manchurian situation with that of China proper, the former is found to have been an unknown and uncultivated area, having very little trade with other nations.

Compared with the rest of the Chinese areas, Manchuria remained barren land infested with mounted bandits and China Proper had no co cern over it. In China Proper at that time there had already appeare signsof development in railways, harbours, telegraphic communications and other modern cultural facilities, while Manchuria still remained deserted land. However, during the past thirty years Man churia has not only attained the level of China proper, but outstripped it in various fields. Also in China proper because of civil war and other insurrections, the actual industrial development, especially transport facilities were completely impeded and the existent industrial facilities in many fields were demolished.

On the contrary we saw the progress of constant construction and development. Thirty years ago there were a few isolated cottages in HARBIN, but it has now become a city with about 400,000 inhabitants. The then deserted coast of DAIREN, has already become the second lar est port in China. During the past twenty years Manchurian populati and its annual foreign trade increased from 20 million Haikwan Taels to 726 million Haikwan Taels. Manchuria remained a barren area with

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no other importance to China than that it provided the Manchurian court in Peking, the Manchurian Chi-Jen (TN: followers of the first Emperor of the CHING Dynasty) to govern the Chinese, but Manchuria has become one of the most thriving districts in China which is now responsible for one third of her foreign trade Moreover, I do not think it a preposterous exaggeration to say that Japan is qualified to be loaded with not a little honour for this development of Manchuri From the begining of her various activities, Japan unfortunately incurred a certain suspicion. I will next quote what Sir Alexander Hosi wrote in December, 1900. This is really an interesting paragraph.

"South Manchuria was invaded and occupied by the Japanese as the result of the Sino-Japanese War from 1894 to 1895; a very pessimistic view was taken in certain quarters as to the commercial future of Manchuria. This view proved to be false in the light of the later historical development. Japan has already become the chief market of Manchurian staples, and now that she is free and unobstructed in buying materials, she is making industrial expansion with great energy and considerable success. Manchurian trade since the Sino-Japanese war has actually trebled."

After the Russo-Japa nese war, Japanese activities of primary importance have been the establishment of the South Manchuria Railway Company, Ltd, and the reconstruction of the railroads completly destroyed by the retreating Russian troops. Moreover, Japan made the port of DAIREN a modern harbour as it is to-day, laid and reconstructed the Mukden-Antung Railway which runs between Mukden and Antung, afforded financial facilities to the Chinese railways; and as they actually engaged in railway construction works, in place of the Chinese people, in most cases, transport and industrial developments in large areas of

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Manchuria have resulted. The experiments and investigations achieved by Japan hastened the progress of Manchurian agriculture and live-stock breeding and made various Manchurian material products prominent in the world market.

It is, of course, based on consideration of her own interests that Japan engaged in activities in Manchuria, but at the same time it is a plain fact that foreigners and the Chinese who reside in Manchuria are enjoying substantial benefits because Japan takes an interest in that land. Yes, the real situation is that foreign residents in Manchuria rely on the Japanese railways, railways constructed and harbour equipments managed by Japan for transporting their imports and exports. And in case of emergency, it is the Japanese troops stationed there that the foreign residents will count on for the safety of their lives and property. Though their number is small, the history shows that not only the Japanese but also foreign residents and many Chinese were constantly under their protection. For instance, at the time of the KUO, Sung-ling incident, the Japanese railway zone was swarmed with Chinese, and foreigners in Mukden frankly admitted that for their safety they had to rely on Japanese troops. Foreign residents in Manchuria share the benefit of hygiene services, city planning; hospitals and cultural institutions mainly installed by Japan. The prevention of the plague and other epidemics which raged in Manchuria, is entirely carried out by the cooperation of both the Japanese and Chinese nations.

However, we should not overlook the prominent contributions direct or indirect made by foreign nations in developing Manchuria. Great Britain constructed the Peking-Mukden Railway whose main line runs in Man-

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nuria. The first bonds of the South Manchuria Railway subscribed for the achievement of its great undertaking, were accepted by Britis capitalists. Especially the South Manchuria Railway's accessories in the earlier period were mostly purchased from U.S.A. So that is the reason why the present South Manchuria Railway is called a typically merican railway. Russia and France made contributions, the former onstructing the Eastern China Railway and the latter supplying the ost part of construction expenses. As the world is gradually recog- ising the result of progress achieved in Manchuria and the surprisin ssibility of its further development in future, there is no doubt hat foreign capital is seeking objects of investment in Manchuria so as to promote its present progress.

That the foreign nations share the benefit of Manchurian develop ment is best shown in trade statistics. I do not like to bother you by enumerating minute statistical figures now, but I simply state a few of them. While in 1898 the British vessels entring the Manchuria ports numbered 168; 161,000 tons in total, they in 1928 reached 556 vessels, 2,700,000 tons in total tonnage. As to U.S.A. ships, only four sailing vessels came to the Manchurian harbours in 1898, while in 1928, that is-- within the past thirty years, they increased to 127 vessels and 500,000 tons. British trade for Manchuria through three open ports in South. Manchuria was 20,000,000 Haikwan Taels in total in 1928, while U.S.A. trade within the same year reached 3,500,000 Haikwan Taels.

To these I will add the following announcement of the Chinese ail Affairs Bureau. Last year's U.S.A. export trade to China proper s reckoned at 30 cents sold per person, while to Manchuria, the sale s at the rate of 80 cents per person.

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What benefit are the Chinese enjoying from the Manchurian develo ment? This is too evident a fact to be dwelt upon. Nevertheless, unfortunately we hear constant complaints from the Chinese that Manchuria is being 'looted' by foreigners. Also we often see paintin which depict these pitiable Chinese residents in Manchuria, who were suffering through the friction between Russia and Japan. There is no doubt that it was a great blessing to Manchuria that originality, capital, and enterprises needed for the Manchurian development were all supplied by foreigners. Namely, in fact, Russia, Japan, and Grea Britain constructed all railways in Manchuria and supplied them with capital till recent years, while comparatively small is the amount of capital invested by the Chinese for a great railway network undertak- ing, a keynote for progress and prosperity of Manchurian rulers and inhabitants. Without these railways and especially these export out- lets for Manchuria's principal products through the harbour installa- tions of DAIREN and Vladivostock, no doubt the present Manchuria woul have been just a step further from the former Manchuria which had a sole sea port at NEWCHWANG. It is a plain truth that solely by dint of development in transport facilities and maintenance of peace and order, is the present Manchuria an area provided with the highest prosperity and order in the whole of China and consequently with the greatest possibility of future development.

Moreover, it is for us to remember that our Chinese friends speak grievedly over the preponderance of foreign interests in Manchu- ria, while by their own acts they show themselves that they realise benefits bestowed on them by the existence of the fore-mentioned foreign interests. The best evidence of this is that of these numerou Chinese immigrants who came from north China, especially from Shantung

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It is still more significant that the Chinese show a special fancy for living in Manchurian areas under Japanese jurisdiction. Thus the Chinese population in Manchuria doubled in the past twenty years. The Chinese population in the South Manchurian Railway zone increased from 9,000 persons in 1907 to 202,000 in 1917. In other words, the Chinese population in the whole Manchuria was doubled, while those in the railway zone under Japanese jurisdiction increased more than twenty times. Manchuria covers an area of 384,000 square miles and its Chinese population is reckoned approximately at 27,000,000 persons while the Japanese leased territory extending only to 1,400 square miles, actually holds more than one million Chinese. The reason why the Chinese like this area is very clear. Under Japanese administration there are wide modern cultural facilities, low and fixed taxes a good police system. Though at the beginning of the establishment o the South Manchuria Railway Co. Ltd., subscription for shares was equally offered to the Chinese, they did not want to utilise this opportunity. However, the Chinese in Manchuria profit much by the enterprises of the South Manchuria Railway Co., Ltd. The company employs more Chinese than Japanese. In the fiscal year which ended in March, 1928, against 22,000,000 Yen dividend to the share-holders, the total amount of wages paid was 26,45,000 Yen, 75% of which went to the Chinese. Moreover, what we should remember is that even most of the Japanese incomes there are expended for purchase of Manchurian products, so after all they are gained by the Chinese people.

Next, Japan is the first market abroad for Manchurian staples. Japan does not only transport Manchurian farm products but also is a great customer for them. Should Japan block her railways and harbour

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in Manchuria and decide not to buy Manchurian products, Manchuria would face a panic instantly.

As I have said before, the chief Japanese contributions towards Manchuria are maintenance of peace, and supply of proper and safe traffic facilities. Nevertheless Japan could have done nothing without the greatest Chinese asset, i.e., cheap and diligent Chinese labour. As peace is secured, millions of Chinese have lately flowed into Manchuria from northern Chinese provinces, especially from Shantung to be observed into large and uncultivated fertile soil. This influx of immigrants constitutes a main factor for future Manchurian development, together with the fact that almost a half of the arable soil in Manchuria still lies unploughed. When this factor, th abundant supply of cheap but efficient labour, together with the stil uncultivated soil, is to be utilised, we have to rely on two factors which; so to speak, made Manchuria what it is to-day -- peace and transportation. About 3,450 miles of the railway which Manchuria has to-day, consist of about 700 miles occupied by the South Manchuria Railway, 1,100 miles of the Eastern China Railway and the rest, 1,650 miles under the control of the Chinese.

As to those Chinese railways for which the Japanese supplied capital and undertook construction for China, are under control of China. Several important routes, however, were constructed by the Chinese with their own capital. It is an important factor how that the Chinese kept their own railways, electric cars and electric-light undertakings, and made the streets large enough to carry out modern city planning, when we compare the state with other Chinese districts which have been given over to chaos rather than to construction within the past several dozen years.

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Conditions in Manchuria originate to a certain extent from the fact that the Chinese owe much to Japanese leadership in following her enterprise, but we would expect more or less similar situations to be realised in other Chinese provinces. If peace and order can be maintained, the same development can be expected in Chinese provinces other than Manchuria. Manchuria shows a splendid example to other Chinese provinces that a surprising achievement can be attained by the Chinese with their superb perseverance and vigorous energy if they are allowed to act freely without any obstruction. As a matter of course, the fact is clearly shown that the development and prosperity of any area make peace and order an absolutely necessary condition, and order follows the development of railway communication, if these Manchurian districts enjoying railroad facilities are compared with others not having the fortune. Thus in the Japanese railway zone order is specially maintained and from the result the fact is found that even the Chinese praise the railway zone for the safety of their trade and livelihood. This is just the same as the fact that the Chinese themselves seek their safety at the foreign settlements outside Manchuria, and even in the Chinese railway zones, peace and order are better maintained than in other areas where railway facilities are unknown. In other words, the situation is that unprotected travel is dangerous, even the areas not far from railroads, being bandit ridden, to say nothing of the districts without railway facilities. As Manchurian development in the past owed itself to the existent railways, still more railways will have to be constructed to achieve further future development , because it is to be expected that the immigrants in the districts with railway facilities will reach a saturation point. We often hear of railway competition arising between the Chinese and

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Japanese, and of course common sense shows that such a fear is not well founded. The reason why Japan takes interest in Manchurian development consists in this, that she seeks materials in Manchuria to make manufactured goods of them so as to sell them there in expectatio of the gradually increasing Manchurian population. Japan has several times declared that she has no political ambition in Manchuria. This requires no evidence, but the best evidence is that Japan actuall encouraged and urged Chinese immigration in Manchuria.

Each time a Chinese immigrant is added Manchurian becomes more Chinese, so if Japan should entertain any political ambition, she would have to oppose the influx of immigrants. All Chinese immigrants coming into Manchuria to live are producers of material goods and at the same time potential purchasers of industrial goods. In this sense it is a vital concern for Japan to encourage immigrants. In order to cultivate the areas to be settled by these immigrants, new railways must be constructed. So long as these new railways do not make it their objective simply to impede the existent railways and to compete amongst themselves but rather to open a new working field and as long as they are so constr ucted as to be properly and ably managed, it goes without saying that they should be constructed by any one. The increase of Manchurian production is so quick that it is almost unimaginable for a well laid out railway to suffer from scarcity of cargoes.

Moreover, Manchurian railways rather than suffering from mutual competition, must cooperate in helping each other. Furthermore, all railways from the point of view of giving full scope to their natural function of practical use, cannot be allowed to overlook the necessity of keeping in touch with proper sea ports, and the construction of new

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railways in Manchuria should necessarily be decided upon from a consideration of the question of whether or not it is possible so install harbour installations at geographically suitable points. The greater part of Manchurian products at present need to be transported through the two big ports of DAIREN and Vladivostock. Small ports like ANTUNG and YINKOW, even if they be improved, cannot be expected to mean much in the solution of the problem of how to transport the tremendous volume of Manchurian products in case the present almost 27 million population of Manchuria should increase to 75 million in future (and Manchuria can easily sustain this population.) When the still uncultivated districts are cultivated according to the arrangement of transport functions, it is self-evident that, following them, the increase of railways and harbour equipments will be required. When we consider the huge increase of products in future, Manchuria is, as it were, a gigantic bottle filled with a large volume of fluid which can flow only from a single and restricted outlet.

In making new harbour installations it clearly follows that such coastal spots must be chosen so as to bring products by land transport from various parts of the hinterland by way of the shortest possible distance. And such harbour installations, of course, must be made as much as possible at spots which lie within a short distance from the railhead.

This is, for example, why Japan tries to set up a sea port on the Korean coast, which is to function as an export port for the large and fertile areas having already been and to be cultivated in the northern and western part of the railroad between CHANGCHUN and TUNHUA. The products of the foregoing areas, if good harbour installations existed, can make the distance far shorter than at present to reach

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their respective terminal markets (Japan is one of the most importa markets.) As the prices of commodities such as soybeans and wheat are decided by the world market and their buyers are governed by these prices, whether the expense in transportation is high or low is a cost for producers. The more expense needed to forward products from the place of origin to the place of selling, the less becomes the profit for the farmers to be gained from the products. Moreover, in proportion as these materials produced in Manchuria are supplied cheap to t countries which demand them for the production of manufactured goods, increases the power of purchasing raw materials and expands the market to which Manchurian farmers sell their products.

To be sure, in Manchuria, Japan, China and all other countries in the world desire the same state of affairs, that is, its rapid prosperity and development. As to the means of achieving this, as I have often tried to explain, factors which performed a miracle in the pa few dozen years, namely, both peace and proper transport function sh be the chief factors in the future development. It goes without saying that one thing essential under the present circumstances is coope ation. In the several dozen years to come too, construction should be carried out on the basis which has given us success in the past thirty years, and Manchuria shall be made not only the most prosperous area in China, but also an example to be followed by the rest of China pro

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TRANSLATION CERTIFICATE

I, William L. Clarke, of the Defense Language Branch, hereby certify that the foregoing attached translation is, to the best of my knowledge and belief, a correct translation and is as near as possible to the meaning of the original document.

s/s William L. Clarke

Tokyo, Japan

Date: 22 January 1947

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Rejected

「太平洋會議」に於ける「二酋演」（昭和四、十一、四、松岡洋右述 東亜局第一課 昭和十一、十一、二、同局刊）中より抜粋

第一　滿洲の過去及び現在

滿洲は屢々歐米諸國に於て戰禍の中心地帶、卽ち「亞細亞のバルカン」と稱せられ、又多くの記者は好むでこの地域を「次の世界戰爭」の發源として指摘して居るのであります。乍併最近數年來滿洲に向つて支那人移民が大量的に流入し來つたことが偶なくも海外世界各國人の話題となり、從つて滿洲の經濟的發展といふことに多大の注意を喚起せらるゝに至つたのであります。これはいふまでもなく眞に重要なる局面であります。この局面に臨て私をして指摘することを許されますならば、日本は種々なる滿蒙政策の眞只中にあつて靜かに而かも健實に過ぐる二十有餘ケ年の間その目的とする處に邁進し、その努力を傾倒し來つたのであります。日本は過去に於て爾かせざりし如く、その國家的安全に顧して眞大なる考慮を支拂ふことを忘却するを許さない。露西亞が嘗て支那の弱體の下に襲古及び朝鮮を蹂躙し、殆んど滿洲を略取するに成功したことは御記憶の事と思ひます。歷史は繰返す、而して日本は依然として此點に關して憂

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慮を缺む可き理由を有つのでありまするが、而かも如斯形勢なるにも拘らず、日本は滿洲の經濟的發展の爲に盡すにその最優秀なる頭腦を以てして、その目的の完成に努めつたのでありまず。世界は今や滿洲に於る三十年の歷史は世界史上恐らくは未だ曾て有らざる所の發展の記錄であり、而かも幸にしてこの記錄は曾にその活躍の可能なるのみならず、將來殊十ケ年間に亘つて一層の開發が可能なることの眞相を認識し始めつゝあります。

滿洲の過去及び現在の業績を充分に評價するには、私は恐ふに僅なる比較研究を必要とする。先づ第一に外國貿易港として牛莊（即ち營口）の開放せらるゝ以前の滿洲時代に遡つて比較せねばならぬ、それは僅々七十年前のことでありまずが、當時の滿洲は實に人煙稀薄にして近代文明世界とは何等の接觸なき、一面の荒涼たる未開の地域たるに過ぎなかつた。只僅かにその四伯利國境方面に於て若干軟皮等の取引が行はれた許りでありまず。北京の滿朝政府は滿洲の開發を奬勵しなかつたのみならず、却つてこれを阻止するが爲

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めに凡百ゆる試みを致したのであります。例へば萬里の長城以北の地に漢人の移住を禁止するの政策を強行したのでありまするが、これに關する法令が僅に一九〇五年に廢止せられた許りであります。北京に於ける滿洲朝廷は滿洲を目して對禁の地と爲し、滿洲以外の支那の各地と隔離せしめ、而して漢人の來住禁止の地と致したのであります。

滿洲が世界各國と一般に接觸するに至つた歷史は、一八六〇年牛莊開港の日より始まる、が所しその開港以來の滿洲は甚だ遲々たるものにして、爾來四十年餘を經ても尙ほその外國貿易は年額二千萬海關兩を超ゆることがないのであります。この遲遠の遠かならざる所以のものは、當時滿洲に於て頗るべき唯一の交通機關が河川であつたといふ事實に歸因するものであります。牛莊即ち營口の位置たるや河口にあつて貿易上有利の地位でありましたが、一度鐵道が滿洲に於る交通機關として第一次的地位を占むるに及んで、又一年中の最重要なる數ケ月間河川の氷結するといふやうなこともあり安々

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この情勢は牛莊港をして大規模の商業的發展を爲さしむるに一の障害となり來つて居るのであります。

過去三十ヶ年間に於て實現せられたる大規模なる滿洲の開發は、實に鐵道運輸の開始に依るのであります。此れに先鞭をつけたるものは彼の露西亞人の巨大なるT字形の東支鐵道建設であつたのであります。

露西亞人は主として戰略的考慮を以てその鐵道を布設したるにも拘らず、その鐵道諸線路の分布は明かに商業的發展に相應しいものであります。即ち一は滿鮮新線を呑吐港として東西に亙る內陸線路、他の一は大連を終點として南北に走る路線であります。私が常にこれを力說する所以のものは、將來に於る滿洲の開發は、即ち東西南北に亙る鐵道線路の建設に依つて、上述の如き成功を立證せる露西亞人の原計畫の方針を踏襲することに於て完成せらるゝことが出來て居るからであります。

一方露西亞は近代的方針の下に滿洲開發の第一着手を爲したるの

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名誉を擔ふべきであると同時に、露西亞人の痛がにがる事業は殆んど世界に對して何等の利益を與へなかつたことも明白なる事實であります。

即ち露西亞人は滿洲の鐵道を以全く自己單獨の目的の爲に使用して他にこれを開放せず、爲めに他の諸國民は依然として牛莊を通じて滿洲貿易を營むの外途はなかつたのであります。年併その後日本が東支鐵道南部線の大半を所有せる後に於て、この鐵道を世界各國民の爲めに開放し、大連を自由港と爲し、而して全滿洲を通じて夥多の商業市場開設の機運を促進するに至つて彼此は一變した、如斯にしてこの地域をして世界商業に於る眞に重要なる一要素たらしむる原動力を齎らしたのであります。

この時に於て即ち日露戰爭直後數年間に於て、滿洲の富源なるものは現實的といふよりも寧ろ可能的なりといふ方が適切であつた、而して今日目擊するが如き滿洲の繁榮は、過去二十數ヶ年間に亘つて遂行せられたる業績に歸せらるべきものと考へます。この點の

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主たる要素は南滿洲鐵道並に日本國政府をして其の故に滿洲に於る秩序と治安維持に任ぜしむる所の日本の各種權益の存在であります。滿洲の通商の爲めに開かれたる二十八箇所の開港場及び開市場の中二十四箇所は日本の提議に依つて開かられたものでありますが、と のことと自體すら、若し日本が滿洲の國際的關係發展の爲めに候くべからざる二つの要素、即ち平和と安全にして確實なる運命保證とを供與したる事實がなかつたなれば、殆んど今日の發展を期待し得ないでありませう。

日本の權益の發生以前に遡つて當時の滿洲と支那本部の狀態を比較するならば、前者は未知未開の地域にして、世界各國との貿易は極めて微々たるものであることが分る。これを關係の支那の各地と比較するならば、滿洲は依然として馬賊の橫行する不毛の地であつて、支那本部には何等之に關心する所がなかつたのであります。支那本部に於ては當時既に鐵道、港灣、電信、その他幾多の近代文明の態樣に於て近代的發展の證據を示したるに拘らず、滿洲は尙依然舊

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上一個の流燕の地であつた。然るに過去三十年の間に於て滿洲は獨り支那本部の域に遊したるのみならず、幾多の方面に於てこれを凌駕するに至つたのであります。又支那本部に於ては內亂其の他の騷動の爲めに事實上產業的發展、特に運輸機能を完全に阻害し、且つ幾多の方面に於て既存の產業的機能を破壞し盡して居るのでありますが、その反對に滿洲は不斷の建設と發展の進行を見たのであります。哈爾濱には三十年前に於ては一軒立の淋しい支那家屋があつたに過ぎなかつたのでありますが、今や約四十萬人の居住民を有する一個の都市となりました。當時名も知られざる漁村の荒地に過ぎなかつた大連は既に支那に於ける第二位の港になつて居ります。過去二十年間に於て滿洲の人口は二倍に增加し、その外國貿易は年額二千萬海關兩より七億二千六百萬海關兩に增進しました。滿洲は北京の滿洲朝廷がそれに依つて以て漢人を統治し得たる滿洲旗人を供給したる外には一支那にとつて何等の重要性を有せざる荒蕪の地域でありましたが、種々なる方面に於て滿洲は既に支那に於る最樂樂な

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る地方となり、今や支那の外國貿易全額の三分の一を擔當して居ります。

更に私はこの滿洲の發展に對して、日本は少からざる名譽を負擔するの資格ありといふも不遜なる過言ではなからうと思ひます。滿洲に於る日本の諸々の活動は不幸にしてその最初より或る點の疑惑を被つて居ります。次に一九〇〇年十二月サー・アレキサンダー・ホージイ氏（Sir Alexander Hosie）の言葉をました所のものを擧みます が、これは實に或る一節であります。曰く、

「一八九四―九五年の日清戰爭に依り、滿洲が日本の侵略占領するところとなりたるが爲めに、滿洲の商業的將來に關して或方面に於ては過ぎた悲觀的なる見解が行はれたるも、この點の見解はその後の歷史的經過に於て虛妄なることが立證せられ、日本が既に滿洲市場の主要市場となり、如斯日本は今や原料品輸入の途に於て自由無碍なることに依り、大なる努力と相當なる成功とを以てその工業を進展しつゝある。日清戰爭以來滿洲の貿易は現實に三倍化せり。」

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日露戰後日本の活動の第一次的重要性を有するものは南滿洲鐵道株式會社の創立と露西亞軍が撤退するに際して根本的に破壞したる鐵道路線の再建とであります。日本は又大連港を以て今日見るが如き近代的港灣と爲し、奉天より安奉線を敷設改造し、而して支那側の諸鐵道に對して金融上の便益を圖り、且つ多くの場合に於て事實上支那人の代つてその鐵道建設の業に從事したるが故に滿洲に於る廣大なる地域の交通及び產業の開發となつたのであります。日本の成し遂げたる實以と研究とは滿洲の農產、畜產の大なる進步を促し、滿洲產の種々なる原料品を以て世界市場に於る有效の商品たらしむるに至つたのであります。

日本が滿洲に於て種々なる活動を致す所以のものは、日本自身の利益の考慮に基くことは勿論でありますが、乍併一面の事實として同時に又滿洲に於る諸外國人並に支那人諸君が日本が彼の地に於て權益を有することに依り、大に實質上の利益を受けて居ることは余く明白なることであります。然り、滿洲に於る居留外國人は殆入

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出商品を輸送するに當つて、主として日本の鐵道及び日本の建設に
懸る鐵道竝に日本の經營に屬する港灣設備に寄頼し居るがその實狀
であります。又時局切迫の場合に於て居留外國人がその生命財産の
安全を期待する所のものは日本の駐屯軍である、その數こそは少ない
が、過去の歷史に於ても分り日本人のみならず、居留外國人及び多數
の支那人に對して與えず保護を與えたのであります。例へば彼の郭
松齡事件の當時、多數の支那人が日本の鐵道附屬地に蝟集し來り、
奉天に於る諸外國人は彼等の安全を日本の軍隊に依頼せねばならぬ
ことを率直に認めて居るのであります。

又滿洲に於る諸外國人は主として日本の創建に懸る衛生、都市計
畫、病院、其の他の近代的文化施設の恩惠に浴し、且つ從前當て滿
洲に於てその勢を逞しうしたるペスト其の他の流行病に對する防衛
は全く日支兩國民の協力に依つて行はるゝものであります。

乍併諸外國が直接間接に滿洲の開發に相當の寄與貢獻を致したる
ことも亦固より看過すべからざるものがあります。卽ち英國はその

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主要部分を滿洲に有する所の京奉線を建設し、又南滿洲鐵道株式會社がその偉大なる創立事業遂行の爲めに要したる第一次の社債は英國資本の供與せる所のものでありまず。特に初期に於る南滿洲鐵道株式會社の設備品は大部分米國より輸入せるものでありますから今日の南滿洲鐵道からも典型的なる米國式鐵道といはるゝ所以であります。亞西亞は東又は道を建設し、物關西はこれが大部分の建設費を供給せることにかて貢獻して居ります。世界は今や漸次にして滿洲に於て成し遂げられたる進歩の實績と驚くべき將來發展の可能性の存することに想ひ到りつゝあるが故に、諸外國の資本がその投下の途を滿洲に求め來つて、滿洲既存の進歩を更に向上せしむることに貢獻せらるべきことは疑なきことであります。

滿洲の開發に依つて既に諸外國がその利益の分配に與りつゝあることは貿易統計の最良く示す所であります。私は只今精細なる統計上の數字を羅列して諸君を煩さゞらんと欲するものではありませんが、唯簡單にその二、三を申述べることに止めます。一八九八年英國船

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船の滿洲に入港せるもの合計百六十八隻、十九二八年に於ては五百五十六隻、二百七十万噸に達し、次に米國船は一八九八年に於て滿洲に來れるもの僅かに帆船四隻、合計二千四百噸に過ぎなかつたものが、一九二八年に於て即ち過去三十ヶ年の間に百二十七隻、五十萬噸に增加して居ります。南滿洲の三開港場を通じて行はれたる英國の貿易は一九二八年に於て合計二千万海關兩、同年に於る米國の對滿貿易は二千六百五十萬海關兩に達して居ります。私は此れに加へて、支那郵務當局の發表によれば、昨年度に於て米國は支那本部に對する輸出額は一人當三十仙の品物を買込んだに拘はらず、滿洲のそれは一人當り八十仙の割合であるといふことを申上げておきます。

滿洲の開發に依り支那人が如何なる利益を得つゝあるか、これは縷説するまでもなく餘りに明瞭な事實であります。然るに不幸にして滿洲は外國人の「略奪」する所となつて居るといふ不平を聞えず支那人側から聞くのであります。又露。日兩國亂の閙下に跋扈

せられて居る可憐なる滿洲居住の支那人を描いた繪畫をよく見るのであります。滿洲開發の爲めに要したる創意、資本竝に企業の殆んど凡てが外國人の提供せるものであることの滿洲の爲めに大なる幸福なることは疑なき事實であります。即ち露西亞、日本、英國は近年に至るまで事實上滿洲に於る凡ての鐵道を建設すると共に、その資金を供給したのでありまして、而かも之に反して、滿洲の支配者竝に居住民の進歩繁榮の基調たる大鐵道網事業の爲めに支那の投下したる現金資本は比較的少額に過ぎないのであります。これらの鐵道なく、更に又特に大連、滿鐵新德の港灣設備に依る滿洲特產物の輸出口なしとせば、今日の滿洲が牛莊を唯一の海港とせる昔日の滿洲と相距る一歩に止るべきは疑ふべくもありません。尊ら這論機關の發達と治安の維持とに依り、今日の滿洲が支那に於る最高度の繁榮と秩序とを具有する地域なること、從つて將來の發展に對して最大限の可能性を有することは紛ふ方なき事實であります。

更に吾が支那の友人諸君は滿洲に於る外國の福益の優越的地位に

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就て口では不平を漏し乍ら、實際の行動に於ては、前述の如き外國
權益の存在に依つて與れる恩惠に對しては適切なる評價を爲さるゝ
ものであることを諸君自らの示さるゝ點は又留意すべき事柄であり
ます。北支那、特に山東より來る莫大なる支那の移住民はその最良
を證據であります。支那人が又日本の司法權の及ぶ滿洲の地域を特
に選び好んで居住することは更に意義深いことであります。斯くし
て滿洲の支那人人口は過去二十年間に二倍に增加しましたが、南滿
洲鐵道附屬地内の支那人人口は一九〇七年に於て九千人のものが、
一九一七年には二十萬二千人に增加しました。長言すれば、滿洲一
般の支那人人口は二倍の增加なるに對して、日本の行政下にある鐵
道附屬地帶は二十倍以上の增加であります。滿洲の面積三十八萬四
千方哩、その支那人人口約二千七百萬人なるに拘らず、僅々一千四
百方哩の日本の租借地帶は實に一百萬人以上の支那人を收容し居る
のであります。支那人が何故にこの地帶を好むかに付ては、理由極
めて明白である、即ち日本の行政下に於て、近代的文化の諸設備、

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低率にして確定的なる租稅、善良なる警察等の諸制度があるからであります。

南滿洲鐵道株式會社創立の當初支那人側に對しても株式應募の機會を與へられたるに拘らず、これを利用することを欲しなかつたのであります。而かも尚ほ南滿洲の支那人は南滿洲鐵道株式會社の事業に依つて利する所甚だ大なるものがあります。滿鐵は日本人よりも多數の支那人を雇用し、一九二八年三月を終とする一會計年度中に株主への配當が二千一百萬圓なるに對して、支拂賃銀の總額が二千六百四十五萬圓、その七割九分は支那人に支拂つたのであります。尚ほ又記憶すべきことは、日本人の賃銀所得と雖も大部分が滿洲の生產品に對して支出せられ、從つて結局は支那人のポケットに這入るものであります。次に日本は滿洲の特產物に對する海外第一の市場であります。日本は滿洲の農民の生產物を輸送するのみならず、その大顧客であります。一朝若し日本が滿洲に於る自己の鐵道と港灣を閉鎖し、滿洲の產物を購買しないことになつたら、滿洲は即時

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に恐慌に直面することになりませう。

前述の通り滿洲の開發に對する日本の主たる貢獻は平和の維持と適切安全なる運輸機關の提供でありますが、支那の廣大の資產、即ち低廉、勤勉なる支那人勞働者の存するなくんば、何事も爲し得なかつたことも亦勿論のことでありまする。平和の保障と共に、廣大なる未墾の沃土に吸引せられ、最近數百萬の支那人は支那の北方諸省特に山東より滿洲に流入しつゝある、この移住民の流は、滿洲の可耕地の約半分が未だ鋤鍬を入れず放置せられ居るの事實と相俟つて將來に於る滿洲發展の主たる要素を形成するものであります。この獨自の狀態、即ち低廉にして能率高き勞働力の無限なる供給に加ふるに、未だ開發せられざる莫大なる豐饒の土地を利用するに際して は、滿洲をして今日あらしめたると同樣なる二つの要素、即ち平和と運輸とに寄與せねばなりません。現在滿洲の有する鐵道の延長約三千四百五十哩、その中約七百哩は南滿洲鐵道これを占め、東支鐵道が一千一百哩、その外の一千六百五十哩の鐵道が支那人の經營下

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に置かれてあります。支那側の鐵道の或るものは日本が支那の爲めに資金を供給して、その建設工事を引受け、而して支那の管理下にあるものがありますか、重要なる數箇の路線は支那人が自己の資本を以て自ら建設したものがあります、而して今や漸くにして支那人は彼等自らの鐵道、電車、電燈事業を經營し、街路を整め、近代的都市計畫を實現する等の發達を示したることは、實に最近數十年間に亘つて建設よりも寧ろ不幸なる破壞を蒙りたる滿洲以外の支那の各地と比較對照するに當つて、重大なる一要點を指示するものでありますす。滿洲のこの狀態は、一面に於て支那人が日本の發達に模倣し、大に日本の指導に負ふ所あるの事實に由來するものでありますが、他の支那の各地に於ても多少同樣の情勢を呈して居る、而して若し平和と秩序にして保持することを得るに於ては、滿洲以外の支那の各地に於ても同等の發達を所期し得るでありませう。若しも何らの妨害を受くることなくして平和裡にそれを發動せしむることを許さるゝならは、支那人がその獨自の忍耐力と旺盛なる精力とに

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よつて如何に驚く可き業績を挙げ得るかといふことの、素晴らしき實例を、滿洲は支那の他の地方に對して示すものであります。

勿論の事實として、何れの地域の發展繁榮も平和と秩序がその絶對的條件なることゝ、秩序は鐵道の發達に伴なふものなるの事實は、滿洲内にあつて鐵道の便を享受する各地とこれを受けざる滿洲地方とを比較すれば明瞭に解ります。斯くの如くにして日本の鐵道附屬地内に於ては尋に秩序が維持されて居り、その結果として支那人すらも營業、居住の爲めに鐵道附屬地を讃美して居るの事實が見出されるのであります。それは恰も支那人自らが滿洲以外の地方に於て好んで外國租界に保護を求むると一般でありまして、支那の鐵道地帶に於てさへ鐵道を有せざる地方よりは治安がよりよく保持されて居るのであります。即ち鐵道なき地方は勿論のこと、鐵道路線より程遠らぬ地域に於てすら馬賊の横行甚しく、諺の無くしては旅行危險の情況であります。

過去に於る滿洲の發達か現存諸鐵道の布設に負ふが如く、將來に

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對する一層の開發の爲めには更に多くの鐵道が增設されなければなりません。何となれば鐵道運輸の便ある地方に於ける移民が飽和の域に達する時期は最早や目に見えて居るからであります。吾々は支那人と日本間の鐵道競爭の問題を屢々耳にするのでありますが、いふまでもなく如斯憂の存在せざることは常識を以て解ることであります。日本が滿洲の發達に興味を抱く所以のものは、日本は滿洲に原料を求め、これを製造工業品と爲し、更にこれを逐次に增加しつつある滿洲の人口目當てに賣捌かんとする點に存するのであります。日本は滿洲に於て何等の政治的野心なきことを幾度か聲明したる而して是れは證據を出す迄もないことであるが、現に日本が多年の間滿洲に對する支那人移民を奬勵促進したことが何よりの證據であります。滿洲に於ける居住民の中に支那人の移住民一人を加ふる毎に滿洲は益々支那人化する、が故に若し日本にして政治的野心を抱蔵せんか、日本は移民の流入に反對せねばならぬ筈であります。然るに滿洲に來住する支那人移民は恐く原料の生産者であると同時に

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工業品の有望なる購買者である、この意味に於て移民を奨励すること
とは日本の重要なる關心事であります。
これら移民の定住し得べき地域を開拓するには、新しき鐵道を建
設せねばならない。この新しき諸鐵道が單に既存の鐵道に對して妨
害を爲し、これと競爭することを目的とせずして、新生面を開拓す
ることを目標とする限りに於ては、然かも、その建設が宜しきを得
而して正當且つ有能に經營さる限りに於ては、それが何人の手に依
つて建設されやうとも、それは殆んど問ふところではないのであつて、設計宜しきを
ます。滿洲に於る生産の增加は極めて迅速であつて、
得たる鐵道ならば決して貨物の不足に苦むことなどは想像し得べか
らざる底のものがあります。更に又滿洲の鐵道は競爭の爲めに苦む
所か、却つて相呼應して互に助力し合ふに相違ないといつてもよろ
しいのであります。
尙ほ凡て鐵道はそれが鐵道としての機能を發揮して荷しくも實用
に供せられんがためには適當なる海港と連絡を要することは看過す

PURL: http://www.legal-tools.org/doc/a32ed4/

LEF. LOC. #175

ることを許されないのでありまして、滿洲に於る新鐵道の建設も、必ずや近代的海港を有するや若しくは地理的に有利なる地點に港灣設備を爲すの可能性ありや否やに依つて決定せらるべきものであります。現時に於る滿洲の生産物の大部は大連、浦鹽斯徳の二大港に依つて輸送することを要するのであります。安東、營口の如き小港は、假令その改良を加ふるにしても、現在約二千七百萬の滿洲人口が將來七千五百萬人に增加したる場合——而かも容易に滿洲はこの人口を支へ得るのであるが——その時に於て莫大なる滿洲の生産物の輸送を如何にするやの問題の解決に對して多くを期待し得ないのであります。當今未だ利用せられ居らざる地方が一度運輸機能の整備に伴ひ開拓せらるゝに及んでは、これに隨伴して鐵道と港灣設備の增加を要することは明白であります、而して正に來るべき將來の巨大なる產物の增加に一度思を致すならば、滿洲は恰も大量の流動體が只一つのみなる不完分なる出口より脫出せんとする、その流動體を盛れる恐るべき壜の如きものであります。

PURL: http://www.legal-tools.org/doc/a32ed4/

Lib. LSU. #175

又新しき港灣は次の如く設備するに當つては、出來得る限り短かき陸上の輸送距離を以て奥地各方面の産物を齎らし得るが如き海岸の地點を撰ばざる可からざるは明白でありまして、而かも如斯港灣設備は勿論出來得る限り生産物の最終輸送先と短距離の地點に施設せらるべきものであります。此れ即ち例へば、日本が朝鮮の沿岸に一港を設けむとする所以であつて、それは現在の長春、敎化間の鐵道線路の北部及び西部に於て或は既に開發せられ、或は近き將來に於て開拓せらるべき廣大肥沃の地域に對する輸出港の役目を果すべき者のものであります。前述の地域の生産物は良き港灣設備を獲さへすれば、現在よりも遙かにその距離を短縮して、夫れ夫れの終端市場に日ならはその最重要なる市場の一であるーに到達することになります。大豆、小麥等の商品價格は世界市場の決定する所であり、その輸入者はその購買を爲すに當つてはこの價格に依つて支配されるものであるが故に、輸送費の高低が生産者の所得でありまして、生産品を原産地より販賣地に仕向くるに要する費用の多きに從つて、農民がその生産物に依つて利する所が倍々少くなるのであります。

PURL: http://www.legal-tools.org/doc/a32ed4/

更に滿洲産の原料品を加工品生産の爲めに需要すべき諸國に對し、この原料を倍々廉價に供給するに從つて、右原料品の障貿が增加を致し、滿洲の農民がその産物を賣捌く所の市場が擴張さるゝのであります。

確かに滿洲に於ては日本も支那も世界各國一般も共に同一の事態を、卽ちその急速なる繁榮發展を要望して居る、而してこれが達成の爲めの手段方法に就ては、屢々私の說明を試みた所の如くであますするが、過去數十年の間に見る所の奇蹟を實現せしめたる要因、卽ち平和と安當なる運輸機能との二者は、將來の發展に關しても主たる要素たるに相違ありません。現時の如き環境の下に於て、必要缺くべからざる一事は協力にあることは申すまでもありませんが來るべき次の數十年も亦過去三十年の成功を物語る基礎の上に建設せらるべきであり、且つ又單に滿洲をして支那に於る最高度の繁榮地帶たらしむるに止らず、爾餘の支那本土の模範たらしむべきであります。

PURL: http://www.legal-tools.org/doc/a32ed4/

Rejected

DEF. DOC. #177 Further Excerpt from Exhibit 279.

Excerpt from "Twilight in the Forbidden City" by Reginald Johnston.

Corrected copy of
Def. Doc. #176

not offered

Exh. No.

Translated by D
Defense Language Branch

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA, et al

-vs-

ARAKI, Sadao, et al

Sworn Deposition(Translation)

Deponent : UNO, Masuko

I, UNO, Masuko, having sworn as shown in the attached written oath, depose and state as follows;...

After being graduated from the University of London, I became a Shokutaku (TN: an official not on the regular staff) of the Foreign Ministry, and later a secretary of the Japan Foreign Affairs Association which publishes a magazine "Contemporary Japan".

As I was not connected with editing about that time, I do not know the circumstances under which Mr. SHIRATORI, Toshio's articles entitled "The Three Power Pact and the World of Tomorrow" and "Preparing for a New World Order" came to be printed in the said magazine in the December number of 1940 (the 15th year of SHOWA), and in the April number of 1941 (the 16th year of SHOWA), respectively.

PURL: http://www.legal-tools.org/doc/76bf8d/

Corrected copy of
Def. Doc. #176

not offered

Exh. No.

Translated by D
Defense Language Branch

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA, et al

-vs-

ARAKI, Sadao, et al

Sworn Deposition(Translation)

Deponent : UNO, Masuko

I, UNO, Masuko, having sworn as shown in the attached written oath, depose and state as follows;...

After being graduated from the University of London, I became a Shokutaku (TN; an official not on the regular staff) of the Foreign Ministry, and later a secretary of the Japan Foreign Affairs Association which publishes a magazine "Contemporary Japan".

As I was not connected with editing about that time, I do not know the circumstances under which Mr. SHIRATORI, Toshio's articles entitled "The Three Power Pact and the World of Tomorrow" and "Preparing for a New World Order" came to be printed in the said magazine in the December number of 1940 (the 15th year of SHOWA), and in the April number of 1941 (the 16th year of SHOWA), respectively.

- 1 -

PURL: http://www.legal-tools.org/doc/76bf8d/

Corrected copy of
Def. Doc. #176

According to the Contribution Accounts-Book kept by the Japan Foreign Affairs Association, it is evident that the texts of the two articles appearing in "Contemporary Japan" under Mr. SHIRATORI's name entitled respectively "Three Power Pact and the World of Tomorrow" (December Number, 1940) and "Observations upon the Current Situation at Home and Abroad" (April number, 1941) were originally in Japanese and were both translated into English and rewritten by the magazine which published them. Entries in the aforesaid Accounts-Book were made by the editor and the cashier of the said association every month.

According to page 10 of the Accounts-Book (for items during December, 1940), the Japanese text of the article entitled "Three Power Pact and the world of Tomorrow" was written on eleven sheets of paper (payment for it made by the magazine was a check for thirty yen.)

It was translated into English by Mr. YOKOYAMA, Hidesaburo (at present, chief of the foreign news section of the "Jiji Shimpo" Newspaper), on seven sheets and a half, which translation was rewritten by an American named SPINKS on ten sheets.

According to page 14 (for April, 1941) of the same, the Japanese text of the article entitled "Observations upon the Current Situation at Home and Abroad" was written on seven

PURL: http://www.legal-tools.org/doc/76bf8d/

sheets (payment therefore was nil.) and translated into English by Mr. YOKOYAMA, Hidesaburo on eleven sheets, which translation was rewritten by Mr. SPINKS on fifteen sheets. Mr. SPINKS was an American journalist, who, I hear, has recently come again to Japan and is now serving at GHQ. Neither the Japanese texts nor the English translations of these articles are in existence at present for they were thrown away after being preserved for about one year. I have heard that KUWABARA, Tsutomu (formerly an office-boy of the said Association and now living at GOKAN, KOMEMAKI-MURA, TONE-GUN, GUMMA-KEN) remembers that he only once took what apparently was a proof of an English copy, to Mr. SHIRATORI's residence and handed it over to Mrs. SHIRATORI as Mr. SHIRATORI was not at home and had the chit-book (not preserved now) stamped with a seal by her, but that he does not remember whether it was in the autumn (which would mean that the copy was for the December number, 1940), or in the spring (which would mean that the copy was for the April number, 1941). It is not known whether or not Mr. SHIRATORI examined the abovementioned copy and sent it back to the said Association, but the custom is that, if a copy is returned, the returned copy is printed in the magazine, but if not returned, the text is printed as it is, presuming that it has been approved. I remember

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Corrected copy of
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nothing other than that which I have stated above.

In addition, according to the said Accounts-Book of the Association, the number of copies printed of the said magazir was 1,600 for the March issue of 1940; 2,000 for May; 2,000 for July; 2,000 for September and 2,000 for February 1941 and 1,500 for March 1942.

/S/ UNO, Masuko (seal)

No.10 NISHIKATA-MACHI, HONGO-KU, TOKYO,
This 3rd day of December, 1946.

We hereby certify that the above affiant swore and stated, and signed and sealed in our presence.

Witnesses: /S/ SAKUMA, Shin (seal)
Associate Defense Counsel at the International Military Tribunal for the Far East.

HIROTA, Yoji, (ditto.)

This 3rd day of December, 1946.

OATH

I swear, according to my conscience, to state the whole truth, neither concealing what I know nor adding what I do not know.

/S/ Uno, Masuko (seal)

PURL: http://www.legal-tools.org/doc/76bf8d/

Def DOc ✠ 176

ERRATA SHEET

正誤表

頁數及び行數	誤	正
二頁九行目	外紹部長	外報部長
二頁終りより四行目	「内外時局を語る」	「内外時局を語る」
三頁六行目	十二月號の分であつた	十二月號の分）であつた
四頁三行目	宇野淵壽子	宇野淵壽子（印）
四頁四行目	右は立會人	右は當立會人
同上	宣誓供述宇野淵壽子且署名	宣誓供述ー且署名
四頁終りより五行目	佐久間信	佐久間　信（印）
四頁終りより四行目	廣田洋二	廣田洋二（印）
四頁末行	宇野淵壽子	宇野淵壽子（印）

PURL: http://www.legal-tools.org/doc/76bf8d/

Def DOc ✠ 176 ERRATA SHEET returned

正誤表

頁数及び行数	誤	正
二頁九行目	外招部長	外報部長
二頁終りより四行目	「内外時局を語る」	「内外時局を語る」
三頁六行目	十二月號の分であつた	十二月號の分）であつた
四頁三行目	宇野滿壽子	宇野滿壽子（印）
四頁四行目	右は立會人	右は當立會人
同上	宣誓供述し且署名	宣誓供述し且署名
四頁終りより五行目	佐久間　信	佐久間　信（印）
四頁終りより四行目	廣田洋二	廣田洋二（印）
四頁末行	宇野滿壽子	宇野滿壽子（印）

1954.

PURL: http://www.legal-tools.org/doc/76bf8d/

Def DOc # 176 ERRATA SHEET

正誤表

頁數及び行數	誤	正
二頁九行目	外相部長	外報部長
二頁終り四行目	「内外漆局を語る」	「内外曉局を語る」
三頁六行目	十二月號の分でめつた	十二月號の分）であつた
四頁三行目	宇野洲壽子	宇野洲壽子（印）
四頁四行目	右は立會人	右は當立會人
同上	宣誓供述宇野洲壽子且署名	宣誓供述ー且署名
四頁終り五行目	佐久間信	佐久間信（印）
四頁終り四行目	鹿田洋二	鹿田洋二（印）
四頁末行	宇野洲壽子	宇野洲壽子（印）

1934.

PURL: http://www.legal-tools.org/doc/76bf8d/

DEF DOC NO I76

極東国際軍事裁判所

西米利加合衆国　其他

対

荒木貞夫　其他

宣誓供述書

私、宇野尚喜子は別紙の通りの宣誓をなしたる上次の如く陳述致します

私は倫敦大学卒業後、外務省嘱託、雑誌「コンテンポラリー　ジャパン」の発行所である外交協会の「セクレタリー」となりました。

「コンテンポラリー、ジヤパン」誌四号十五年十二月号に「三国同盟と明日の世界に」（"The Tripartite Power Pact and the World of Tomorrow"）

と題する白鳥敏夫氏の論文が掲載され又同号に「世界新秩序への準備」（"Preparing for a New World Order"）

と題する同氏の論文が掲載されるに至つた事情は私は存じません。当時私は雑誌の編輯には関与して居なかつたからであります。

-/-

1954.

- 1 -

PURL: http://www.legal-tools.org/doc/76bf8d/

DEF DOC NO I76

外務協会倶楽の原書料内等慢にかれば「三月廿日と翌日の世界」（一九
四〇年、二二頁）「内外時局を語る」（一九四一年　四月號）と書ふ白
鳥氏の二論文が同文のは太文で英譯され前に「リライト」されたことはあきらかであります。
「ジャンボラリー、ジャパン」に掲載された
右の原書料内等慢が當時外務省「ジャンボラリー、ジャパン」編輯
方と会話とで白鳥氏より受けました。」

原書料内等慢第十頁（一九四〇年二月分）にかれば白鳥氏の論文「
三月廿日と翌日の世界」の邦文が十一枚（原書料は三十枚の切手）でそ
れを新山新三郎氏（同生時事新報外報部長）が英譯して七枚半となし、
此の英譯文を米人「スピンタス」氏が訂正（「リライト」することで
す）して放となしました。又同じくそれに掲載された白鳥氏の論文「内外時局を語る」が邦
文と白鳥氏の論文「内外時局を語る」が邦
りまして十一枚となし此の英譯文
つて居ますがそれを新山新三郎氏が英譯して十枚となしました
を「スピンタス」氏が訂正（「リライト」）して十枚となしました
「スピンタス」氏は米人で新聞記者であります。

(2)

1934.

PURL: http://www.legal-tools.org/doc/76bf8d/

Def. Doc. 170

夜えしてGHQに勤めしてゐる由です。原簿の邦文も英訳文も一部位例
定して廃棄しますから今は存在しません。元外務省参給仕発原力（現在
警察予備隊）古賀敬太郎（メモヨゴカワ）氏之に一回だけ英文原簿「ゲレ
ラ」（今は使用してありません）に記載
それが秋（初旬ごろ）十二月頃の分でありましたが、疎（約四十六
年四月頃の分）であつたかは覚えないといふことをきました。
又、此の原簿を白鳥氏が使用して分類
すが例として河村さん（故人）の原簿を調ひ、抜粋されたものを
部と称して特殊に綴ぢてあること、なつてゐます。石川が私に
記憶してゐます。

仲又「ニッテンボラリー、ジャパン」誌の別冊附録の原簿料内訳書に依
れば、一九四〇年三月一六〇〇、五月一
〇〇〇、一九四一年二月二〇〇〇、九月二
〇〇〇、一九四二年三月一七〇〇名であります。

(3)

1954.

PURL: http://www.legal-tools.org/doc/76bf8d/

Def. Doc. 176

昭和二十一年十二月三日

東京都本郷區四片町十番地

宇野共壽子

右の立会人の面前にて宇野共壽子自己名義名下に署名捺印したることを證します

昭和二十一年十二月三日

立会人

阿部信雄

佐久間信

田中洋二

右證書

良心に從ひ眞實を述べ何事をも隠さず、又何事をも附加せざることを誓ふ

宇野共壽子

(4)

1964.

- 1 -

PURL: http://www.legal-tools.org/doc/76bf8d/

DEF DOC NO I 76

極東国際軍事裁判所

西米利加合衆国　其他

対

若木貞夫　其他

宣誓供述書

私、宝野満喜子は別紙の通り宣誓をなしたる上次の如く述べます

私は倫敦大学卒業後、外務省嘱託、外務省情報部を経て、雑誌「コンテンポラリー　ジャパン」の発行所である外国協会の「セクレタリー」となりました。

「コンテンポラリー　ジャパン」誌は約十五年ト二月號に「三国同盟と日ロの世界」（The Tree Power Pact and the World of tomorrow）

とする白鳥敏夫氏の論文が掲載され又同年十六年四月號に「世界新秩序への序論」（Preparing for a New World Order）

と題する同氏の論文が掲載されるに至つた事情は私が存じません。当時私は病気の為静養にあり、して居なかつたからであります。

-/-

1934.

- 1 -

PURL: http://www.legal-tools.org/doc/76bf8d/

DEF DOC NO I76

外務省今保等の原書料内等候にかんぼ「三月四日と四日の世界」（一九四〇年、二月号）「内外時局を語る」（一九四〇年、四月号）と言ふ白鳥氏の二論文が同文にては左文で英譯され記事（「リライト」）された後に「ジンボラリー、ジヤパン」に掲載されたことを明らかであります。

石の原書料内容帳は當時外務省命「ジンボラリー、ジヤパン」編輯部と全部係とで作りましたが。」

原書料内容帳第十頁（一九四〇年二月分）にかれば白鳥氏の論文「三月四日と四日の世界」は邦文が十一枚（原書料が三十枚の切手）でそれを緒山新三郎氏（朝日時事新報外報部の英語文を兵四人「スピンタス」氏が英譯して七枚半となし、「リライト」することでして下枚となしました。又同じく十四頁（一九四一年四月分）にある「内外時局を語る」の邦文が七枚（原書料は壹となりますと白鳥氏の論文「内外時局を語る」の邦文が七枚となし此の英譯文を緒山新三郎氏が英譯してヤ一枚となしました「スピンタス」氏が「リライト」してヤ一枚となしました。

「スピンタス」氏の兵四人で新聞記者でありましたが、結婚及び本に

1954.

PURL: http://www.legal-tools.org/doc/76bf8d/

Def. Doc. 170

次ましてGHQに勤めしてゐる由です。原稿の邦文も英訳文も一年位前に注して置きましたから今は存在しません。元外務省嘱託古賀敬刑事（メモキゴカン）（註）の白鳥氏との談話に一回だけ英文原稿「グレ氏」に手交し「チット、ブツ」（今は保存してありません）に印刷をして貰つたが、確（おぼえ）十六ページ位あつたかと思ひます。

それが秋（初旬）十月十二日頃の分であつたかと思ひます。

毎回日賜の分）であつたかは覚えて居ないといふことを附記しました。

又、此の原稿を白鳥氏が放送して外務省に迷惑したかどうかは不明です。

又、此の例として頂却されれば幸ひ、拒絶されれば幸ひ、拒絶されれば幸ひ、拒絶

Def. Doc. 176

昭和二十一年十二月三日

東京都本郷區四片町十番地

住　所

宇野浦子

右の立会人の面前にて宇野浦子自ら署名捺印したることを認めます

昭和二十一年十二月三日

立会人

横浜市[illegible]所番地

住　所

佐久間信

住　所

田洋二

宣誓書

良心に從ひ眞實を述べ何事をも隠匿せず、又何事をも附加せざることを誓ふ

宇野浦子

(4)

VICTOR GOBBANS Ltd.

14 Henrietta Street Covent Garden
1954.

- 1 -

PURL: http://www.legal-tools.org/doc/76bf8d/

Rejected

DEF. DOC. #177 Further Excerpt from Exhibit 279.

Excerpt from "Twilight in the Forbidden City" by Reginald Johnston.

(Inside Cover)

TWILIGHT

IN THE FORBIDDEN CITY
BY

REGINALD F. JOHNSTON

K.C.M.G.,M C.B. E., HON. LL. D.

Professor of Chinese in the University of London; last British Commissioner of Weihaiwei; Tutor to His Majesty the Emperor Hsuan-T'ung:

Author of

From Peking to Mandalay Lion and Dragon in Nothern China, Buddist China, A Chinese Appeal to Christendom Concerning Chirstian Missions, Letters to Missionary, the Chinese Drama, etc.

WITH A PREFACE
BY
THE EMPEROR

LONDON
VICTOR GOLLANCZ LTD
14 Henriette Street Covent Garden
1934.

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PP. 105-106 Had the Manchus retired to Manchuria, and had the collapse of their power in China proved final and complete, it is by no means improbable that we should have witnessed a revived Manchurian monarchy, similar to that which existed in the first half of the seventeenth century, completely independent of China. A large member of able Chinese loyalists would have taken office under such a monarchy, and they would have been followed many Chinese of all classes who were dissatisfied with conditions under the republic. Had such a monarchy been established it is not improbable that before long it would have neen joined by Jehol and the rest of Inner Mongolia. (8)

This possibility of retiring to Manchuria was not overlooked by the Manchu court when the revolution in China began to look dangerous. On the contrary it was seriously discussed, and many imperialists both in China and in Manchuria urged that this would be the wisest course to pursue. Wnat finally decided the terms secured for them by Yu'an Shin-k'ai in the Articles of Favourable Treatment. .....

Two of the princes were amazed and indignant at what they regarded as the shameful pusillanimity of the regent and their brother-nobles. .... When they perceived that they were outvoted, that the promises and veiled threats of Yuan Shih-k'ai were breaking down all opposition, that the regent and empress-dowage were succumbing to the pressure of a stronger will than theirs, and that the imperial cause was

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indeed lost, these two princes took their departure from the capital and went into exile, vowing that if they ever returned it would only be when the Dragon flag flew once more over the gates of Peking, or in their coffins. One of these men was P'u-Wei, prince Kung; the other was Shan Ch'i, prince Su. The former has lived for many years in the Japanese leased-territory of Port Arthur, thinking and dreaming of little else but the possiblity of the revival of the glories of his House. Prince Su returned to Peking in April, 1922 - in his coffi

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Note (8) "In 1911, China became a Republic and at the same time, Mongolia declared its independence and stated that whenever China restored the monarchy under a Manchu emperor Mongolia would voluntarily rejoin China" (J.n. Lodge in the China Illustrated Review, Tientsin)

P. 257.

A conflict between Japan and the Chinese republic - or those who posed as representatives of the republic in Manchuria - would, thought these monarchists, give them th opportunity they desired. To those who might reproach them with treachery to China in allying themselves with a foreig power, they would be able to reply that China had already declared the Manchus to be aliens (i tsu) and had driven them from the throne on that ground. An alien race or an alien family owed no allegiance to China. .....

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P. 262

Knowing this to be so, I have found it difficult to explain the statement in the Lytton Report that the Manchurian independence movement "had never been heard of in Manchuria before September, 1931," (11) except on the assumption that the evidence of the existence of such a movement in the interests of the old monarchy had not been laid before Lord Lytton and his colleagues.

Note (11) Lytton Report, P. 97.

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P. 443 The devastation and violation of the imperial tombs (the Tung Ling, to the east of Peking) took place between the 3rd and the 11th July, 1928. -----

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PP. 444-445 Everything else could be forgiven-insults, ridicule, threats of death, confiscation of property, the tearing up of agreements -- but not this appalling act of savagery and sacrilege. From this time on there was a change in the emperor's attitude to China -- or rather towards those who were responsible for its misgovernment. By nature he is generous and forgiving and I had never heard him utter a word of angry complaint against the most violent of his enemies. But this was something he could never overlook. Up to that time he had taken no part in the independence movement that he knew was gathering momentum in Manchuria, and the possibility of his being invited to return to the Manchurian home of his ancestors was a subject to which he had hardly given a serious thought. He had never ceased to hope that China would recover her sanity and that all would be well. But now that hope was dead. When I next visited him the change was very marked. So marked was it that it seemed to me as though he had been in communion with the spirits of his outraged ancestors and that they had urged him to turn away from China that had disgraced herself and them and to fix his gaze on the land in which they had laid the strong foundations of their empire three hundred years ago.

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P. 443 On October 1st, 1930, on behalf of the British Government I conducted the rendition of Weihaiwei. Since 1898 that Territory, with a population of nearly 200,000 and an area about double the size of the Isle of Wight, had been governed by a British commissioner directly responsible to the Secretary of State for the Colonies. It was now handed back to China, and the people of the Territory passed under the jurisdiction of the Chinese republic for the first time, for when it was "leased" to Great Britain, China was still a monarchy.

Immediately after the rendition I returned to England, not knowing when, if ever, I should return to the country in which I had spent over thirty years. Rather unexpected. I returned almost exactly one year later, partly on business connected with the "Boxer" indemnity as a member of the British group participating in the biennial Pacific Conference, which that year was held in China.

The famous Mukden incident of September 18th, 1931, took place a few days before my ship reached Japan on my outward journey. I went on to China, and almost immediately after my arrival at Shanghai I travelled by train to Tientsin, which I reached on October 7th. The Emperor expected me, and I was met at the station by one of his suite. There was a very prevalent rumour in Tientsin that he had already left for Manchuria. That, of course, I knew to be incorrect. I spent the next two days in his company, and was given information which enabled me to foresee what was to happen in the near future. The information which he

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himself gave me was corroborated by Cheng Hsiao-hsu. That night we were both the emperor's guests at dinner, the only others present being Cheng Chui, Chen Pao-Shen and Chui Leong. As may be readily understood, there was only one topic of conversation.

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Rejected

Translated by:
Defense Language Branch

DEF. DOC. #177

「蔡府の黄昏」ヨリ抜萃

レジノード・エフ・ジョンストン著

聖ミカエル及聖ジョージ上級勲爵士。英帝國爵士國上級勲爵士。文學博士。
ロンドン大學支那學教授。前威海衛英國委員。宣統帝師傅。

緒言

北京からマンダレまで。北支の獅子。佛教支那。宣教に關する書翰。支那の劇等。
から基敎國への訴。宣教師への手紙。

皇帝序言附

ロヴント・ガーデン。ヘンリエッタ街ニ十番地。ヴイクター・ゴランツ會社

一九三八年

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D.F. DCC. #177

（一〇五―一〇六頁）

若し滿人が滿洲に退き、且つ彼等の勢力が支那に於て決定的に完全に獨
立するならば支那は全然獨立に十七世紀
前半に存在した強大な滿洲朝廷の復興を看々が見ることも不可能のことで
はなかつたであらう。

數多有能の滿人勤王家達はその強大な朝廷に
於ける地位を利用して滿洲の支那人達はあらゆる
い民國の滿勢に不滿の支那人達はあらゆる
らう。若しその強大な朝廷が成立したならば、日ならずして滿洲、
内蒙の殘部（注八）等を風靡したであらうことは想像に難くな
い。

支那に於ける革命が斯く危機視されるに至つた時、滿洲に遠く事の可能
性は決して滿人朝廷によつて看過されてゐたわけでは無かつた。否それ
は眞劍に論議され、支那及び滿洲に於ける王室中心主義者達はそれが現
在採る可き最善の道であることを說いたのであつた。然し攝政及び王族
の大半をして北京に留ることを最後的に決意したものは、實は亂から

ある日ら王らであそ
の子立政域が念のに
王ふ神を族二人あう
八（
人重部の子
に王上刷ま
支物に
配
支物に
配
支物に
配

目撃的にその治下に遠るを宣言した。
（文部書記（天津）中のジェーエッチドッヂの記事より）

（基五七頁）

これら主政主張者等は日本と支那との間、或は満洲に於ける支那代表
者よりもその国に衝突が起れば彼等の欲する結果が得られるものと信じ
てゐた。そして若し彼等が小口の勢力を得ることに成功したならば
彼等は支那の内政に干渉し、そのものに於ては、その国に
於ける支那人の支援と支那国民の同情とを失ふことは勿論
にその国の王道の為めにするものではなく、ただ彼等自身
の人々に便宜あるものなることを説いた。

（三八ニ三頁）

外国人の支援と支那国民の同情とを失ふことは勿論
リットン卿並びに同行の人々に便宜あるものなることを説いた。
ソットン卿はこの点に関して「一九三一年の九国
条約国は、その国に於ける支那人の支援と支那国民の同情とを失ふことは勿論
にその国の王道の為めにするものではなく、ただ彼等自身
の人々に便宜あるものなることを説いた。

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説明の仕様がない。

註十一　リットン報告書　97頁

（四三頁）

王室の陵墓（北京東方の東陵。）に對する暴行さが1928年7月の6日から12日の間に亘つて行はれた。

（四四―四五頁）

如何なる行爲―毒薬、嘲弄、死を以つて脅かすこさ。財産の沒收、合意の破棄―さ雖も忍ぶこさは出來たであらう。たがこの尊嚴さ神聖への冒瀆の恐るべき行爲たけは許すこさが出來なかつた。

5

この時以來皇帝の支那に對する或はその統治に責任あるものに對する態度は寛容であつてその或も暴慢な敵意が全く變つた。在昔からいへば皇帝は皇帝に對してすら忍つた言葉を投げるのを聞いたこさが無かつた位であつた。この時までは皇帝は然しこの事たけは到底彼の默過し得ぬ所であつた。この時までは皇帝は滿洲に於ける獨立運動が相當の勢を得て居るのを知りつつこれに加はる事をせず、祖先の地滿洲に招かれて還るさ云ふこさも少しも眞面目に考

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へてゐなかつた。彼は常に支那が正氣に戻り全てがよくなる望みを棄てなかつた。しかしその望みが絶えた今、私が皇帝をその次に訪れた時彼の上に現れた變化は實に著しいものがあつた。その變化は實に激しいものであつたので私は皇帝が凌辱された祖先の靈と交靈してゐるのではないかと疑ひ、且その祖先の靈達が（そのかして）己を汚し祖先を辱しめた支那から面をそむけかつて三百年の昔王朝の榮華な頃が繰返へされてゐる樣に皇帝を促してゐる樣に思はれた。

（一四八頁）

一九三〇年一〇月二日英國政府を代表して私は威海衛の還附を實行なした。殆ど二十萬の人口を有ち、ウアイトー島の約二倍の面積を有するこの領土は一八九八年以來植民相に直接責任を有する英委員によつて治められてた。今この土地は支那に還され領内の人民は全く初めて民國支那の管轄の下に入ることになつた。さ云ふのはそれが英國に「租借」された頃は支那はまた王國たつたからである。

威海衛返附の後三十年以上の歳月を經つた土地を後にしていたさへ返れ

るさしても何時の日又其處に返れるさいう當もなく、私は英國に返つたのであつたが思ひもかけず丁度一年後に私は又舞ひ戻つて來た。國聯事件に關聯する賠償の事務やらその年は又玆で行はれることになつてゐた。隔平毎の太平洋會議に出席する英人團の一員さしてやらであつた。

一九二一年の九月一日の彼の有名な奉天事件は私の往路の旅の船が日本に着く二三日前に起つたのたつた。私は又玆へ旅を續け上海に着くや否や直ちに天津へ汽車で赴き一〇月七日に到着した。皇帝は私を待ち設けて居て曩で私は彼の隨員の一人に會ふ樣にされた。天津では彼がもう滿洲へ發つたさ云ふ噂が專らであつたが、私は勿論それが嘘かなものでないさ謂ふことを知つてゐた。次の二日を私は彼さ共に過し將來起る可きことを豫見するに足る情報を與へられたのであつた。彼自身私に與へてくれた情報は鄭重なによつて確認された。その夜私さ彼は皇帝の正餐の客さなつた。他の客さ云へば鄭垂、鄭孝胥、[illegible] 等であつた。豫想された通りその夜の會話の題目は唯一つであつた。

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not admitted

DEF DOC # 184

JOINT DECLARATION BY THE UNITED STATES OF AMERICA, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, THE UNION OF SOVIET SOCIALIST REPUBLICS, CHINA, AUSTRALIA, BELGIUM, CANADA, COSTA RICA, CUBA, CZECHOSLOVAKIA, DOMINICAN REPUBLIC, EL SALVADOR, GREECE, GUATEMALA, HAITI, HONDURAS, INDIA, LUXEMBURG, THE NETHERLANDS, NEW ZEALAND, NICARAGUA, NORWAY, PANAMA, POLAND, SOUTH AFRICA AND YUGOSLAVIA.

Signed at Washington, January 1, 1942

The Governments signatory hereto,

Having subscribed to a common programme of purposes and principles embodied in the joint declaration of the President of the United States of America and the Prime Minister of the United Kingdom of Great Britain and Northern Ireland, dated August 14, 1941, known as the Atlantic Charter,

Being convinced that complete victory over their enemies is essential to defend life, liberty, independence, and religious freedom and to preserve human rights and justice in their own lands, as well as in other lands, and that they are now engaged in a common struggle against savage and brutal forces seeking to subjugate the world, declare:

(1) Each Government pledges itself to employ its full resources, military or economic, against those members of the tripartite pact and its adherents with which such Government is at war.

(2) Each Government pledges itself to cooperate with the Governments signatory hereto and not to make a separate armistice or peace with the enemies.

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The foregoing declaration may be adhered to by other nations which are, or which may be, rendering material assistance and contributions in the struggle for victory over Hitlerism.

Done at Washington, January 1, 1942.

(Signed) The United States of America: Franklin D. Roosevelt; The United Kingdom of Great Britain and Northern Ireland: Winston Churchill, The Union of Soviet Socialist Republics: Maxim Litvinoff, Ambassador; National Government of the Republic of China: T. V. Soong, Minister for Foreign Affairs; The Commonwealth of Australia: R.G. Casey: The Kingdom of Belgium: Cte. R. Straten: Canada: Leighton McCarthy; The republic of Costa Rica: Luis Fernandez; The Republic of Cuba: Aurelio F. Concheso; The Czechoslovak Republic: V.S. Hurban; The Dominican Republic: J. M. Troncoso; The Republic of El Salvador: C.A. Alfaro; The Kingdom of Greece: Cimon P. Diamantopoulos; The Republic of Guatemala; The Republic of Haiti: Fernand Dennis; The Republic of Honduras: R. Caceres; India: Girja Shankar, Bajpai; The Grand Duchy of Luxemburg: Hughues le Gallais; The Kingdom of the Netherlands: A. Loudon; The Dominion of New Zealand: Frank Langstone; The Republic of Nicaragua: Leon Dabayle; The Kingdom of Norway: W. Munthe de Morgenstierne; The Republic of Panama: Jaen Guardia; The Republic Poland: Jan Ciechanowski; The Union of South Africa: Ralph W. Close; The Kingdom of Yougoslavia; Constantin A. Fotitch.

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C E R T I F I C A T E

Statement of Sour and Authenticity

I, HAYASHI, Kaoru, Chief of the Archives Section, Japanese Foreign Office, hereby certify that the document hereto attached in English consisting of 2 pages and entitled "JOINT DECLARATION BY THE UNITED STATES OF AMERICA, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, THE UNION OF SOVIET SOCIALIST REPUBLICS, CHINA, AUSTRALIA, BELGIUM, CANADA, COSTA RICA, CUBA, CZECHOSLOVAKIA, DOMINCAN REPUBLIC, EL SALVADOR, GREECE, GUATEMALA, HAITI, HONDURAS, INDIA, LUXEMBURG, THE NETHERLANDS, NEW ZEALAND, NICARAGUA, NORWAY, PANAMA, POLAND, SOUTH AFRICA AND YUGOSLAVIA." is an exact and true copy of an official document of the Japanese Foreign Office.

Certified at Tokyo,

on this 8th day of January, 1947.

(Signed) K. HAYASHI
Signature of Official

Witness: (Signed) [illegible]

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DIF DOC # 184

not admitted

本宣言ノ署名國政府ハ

大西洋憲章トシテ知ラルル千九百四十一年八月十四日附「アメリカ」合衆國「グレート、ブリテン」及北部「アイルランド」聯合王國、「ソヴイエト」社會主義共和國聯邦、中華民國「オーストラリア」、「ベルギー」國、「カナダ」「コスタ、リカ」國、「キユバ」國、「チエツコスロヴアキア」國、「ドミニカ」共和國「サルヴアドル」國、「ギリシア」國、「グアテマラ」國、「ハイテイ」國、「ホンデユラス」國、「インド」、「ルクセンブルグ」國、「オランダ」國、「ニユー、ジーランド」、「カラグア」國、「ノールウエー」國、「パナマ」國、「ポーランド」國、南「アフリカ」及「ユーゴースラヴイア」國ノ共同宣言ニ於テ署名

千九百四十二年一月一日「ワシントン」

（本宣言ノ歐文ハ在外帝國公館報告ヨリ之ヲ採リタリ）

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合王國總理大臣ノ共同宣言ニ包含セラレタル目的及原則ニ關スル共同
綱領ニ贊意ヲ表シ

右政府ノ敵國ニ對スル完全ナル勝利ガ生命、自由、獨立及宗教的自由
ヲ擁護スル爲竝ニ其ノ國土ニ於テ及他ノ國土ニ於テ人類ノ權利及正義
ヲ保持スル爲ニ必須ノモノナルコト竝ニ右政府ガ世界ヲ征服セント努
メツツアル野蠻且獸的ナル軍隊ニ對スル共同ノ鬪爭ニ現ニ從事シ居ル
モノナルコトヲ確信シ左ノ如ク宣言ス

(一) 各政府ハ三國條約ノ締約國及該條約ノ加入國ノ中右政府ガ之ト戰爭
ヲ行ヒツツアルモノニ對シ右政府ノ軍事的又ハ經濟的ノ全部ノ資源
ヲ使用スルコトヲ誓約ス

(二) 各政府ハ本宣言ノ署名國政府ト協力スルコト及敵國ト單獨ノ休戰又
ハ講和ヲ爲サザルコトヲ誓約ス

前記宣言ハ「ヒトラー」主義ニ對スル勝利ノ爲ノ鬪爭ニ於テ物質的ノ
援助及貢獻ヲ爲シ又ハ爲スコトアルベキ他ノ國ニ依リ加入セラルルコ
トヲ得

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DLF DOC # 184

千九百四十二年一月一日「ワシントン」ニ於テ作成ス

「アメリカ」合衆國　フランクリン、デイー、ローズウエルト
「グレート、ブリテン」及北部「アイルランド」聯合王國　ウインストン、チアーチル
「ソヴイエト」社會主義共和國聯邦　大使　マクシム、リトヴイノフ
中華民國國民政府　外交部長　宋子文
「オーストラリア」聯邦　アール、ジー、ケーシ
「ベルギー」王國　伯爵　エル、ストラーテン
「カナダ」　レイトン、マツカーシ
「コスタ、リカ」共和國　ルイス、フエルナンデス
「キユバ」共和國　アウレーリオ、エフエ、コンテエーソ
「チエツコスロヴアキア」共和國　ヴエーエス、フールバン
「ドミニカ」共和國　ホータ、エメ、トロンコーソ
「サルヴアドル」共和國　セー、アー、アルフアーロ
「ギリシヤ」王國　シモン、ペー、デイアマントブーロス

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「グアテマラ」共和國
「ハイテイ」共和國
「ホンデュラス」共和國
「インド」
「ルクセンブルグ」大公國
「オランダ」王國
「ニュー、ジーランド」
「ニカラグア」共和國
「ノールウエー」王國
「パナマ」共和國
「ポーランド」共和國
南「アフリカ」聯邦
「ユーゴースラヴイア」王國

加入國

「ブラジル」國
「ペルー」國

フエルナンド、デニス
フーリアン、エレ、カセーレス
ギルジア、シアンカール、バジユバイ
ヒユー、ル、ギアレー
アー、ルードン
フランク、ラングストーン
レホーン、ダバイレ
ドツペルトヴエームンテ、モルゲンステイールネ
ハエーン、グアルデイーア
ヤン、シエテアノフスキー
ラルフ、ダブリユー、クローズ
コンスタンテイン、アー、フオテイチ

昭和十八年二月七日
昭和十八年二月八日

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CERTIFICATE

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Certified at Tokyo,

on this 8th day of January, 1947.

(Signed) K. HAYASHI
Signature of Official

Witness: (Signed) Nagaharu ODO

PURL: http://www.legal-tools.org/doc/7abeec/

not admitted

D EF DOC NO 185

TREATY OF UNION IN THE WAR AGAINST HITLERITE GERMANY AND HER ASSOCIATES IN EUROPE AND OF COLLABORATION AND MUTUAL ASSISTANCE THEREAFTER BETWEEN THE U.S.S.R. AND THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND.

Signed at London, May 26, 1942.
Ratifications exchanged at Moscow, July 4, 1942.
In force from July 4, 1942.

His Majesty the King of Great Britain, Ireland, and British Dominions beyond the seas, Emperor of India, and the President of Supreme Council of the Union of Soviet Socialist Republics;

Desiring to confirm the stipulations of the agreement between His Majesty's Government in the United Kingdom and the Government of the Union of Soviet Socialist Republics for joint action in the war against Germany, signed at Moscow on July 12, 1941, and to replace them by a formal treaty;

Desiring to contribute after the war to the maintenance of peace and to the prevention of further aggression by Germany or the States associated with her in acts of aggression in Europe;

Desiring moreover, to give expression to their intention to collaborate closely with one another as well as with the other United Nations at the peace settlement and during the ensuing period of reconstruction on the bases of the principles enunciated in the declaration made on August 14th, 1941, by the declaration made on August 14th, 1941, by the President of the United States of America and the Prime Minister of Great Britain, to which the Government of the Union of Soviet Socialist Republics has adhered;

Desiring, finally, to provide for mutual assistance in the event of an attack upon either High Contracting Party by Germany or any of the States

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PURL: http://www.legal-tools.org/doc/a8cf18/

associated with her in acts of aggression in Europe,

Have decided to conclude a treaty for that purpose and have appointed as their plenipotentiaries;--

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the seas, Emperor of India,

For the United Kingdom of Great Britain and Northern Ireland;

The Right Honourable Anthony Eden, M.P., His Majesty's Principal Secretary of State for Foreign Affairs;

The President of the Supreme Council of the Union of Soviet Socialist Republics;

M. Vyacheslav Mikhailovish Molotov, People's Commissar for Foreign Affairs,

Who, having communicated their full powers, found in good and due form, have agreed as follows;--

PART ONE

Article 1.

In virtue of the Alliance established between the United Kingdom and the Union of Soviet Socialist Republics, the High Contracting Parties mutually undertake to afford one another military and other assistance and support of all kinds in the war against Germany and all those States which are associated with her in acts of aggression in Europe.

Article 2.

The High Contracting Parties undertake not to enter into any negotiations with the Hitlerite Government or any other Government in Germany that does not clearly renounce all aggresive intentions, and not to negotiate or conclude except by mutual consent any armistice or peace treaty with Germany or any other States associated with her in acts of aggression in Europe.

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PART TWO

Article 3.

(1) The High Contracting Parties declare their desire to unite with other like-minded States in adopting proposals for common action to preserve peace and resist aggression in the post-war period.

(2) Pending the adoption of such proposals, they will after the termination of hostilities take all the measures in their power to render impossible a repetition of aggression and violation of the peace by Germany or any of the States associated with her in acts of aggression in Europe.

Article. 4.

Should one of the High Contracting Parties during the post war period become involved in hostilities with Germany of any of the States mentioned in Article 3 (2) in consequence of an attack by that State against that Party, the other High Contracting Party will at once give to the Contracting Party so involved in hostilities all the military and other support and assistance in his power.

This Article shall remain in force until the High Contacting Parties, by mutual agreement, shall recognize that it is superseded by the adoption of the proposals contemplated in Article 3 (1). In default of the adoption of such proposal, it shall remain in force for a period of twenty years, and thereafter until terminated by either High Contracting Party, as provided in Article 8.

Article 5.

The High Contracting Parties, having regard to the interests of security of each of them, agree to work together in close and friendly collaboration after the reestablishment of peace for the organization of security and economic prosperity in Europe. They will take into account the interests

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of the United Nations in these objects, and they will act in accordance with the two principles of not seeking territorial aggrandisement for themselves and of non-interference in the internal affairs of other States.

Article 6.

The High Contracting Parties agree to render one another all possible economic assistance after the War.

Article 7.

Each High Contracting Party undertakes not to conclude any alliance and not to take part in any coalition directly against the other High Contracting Party.

Article. 8.

The present treaty is subject to ratification in the shortest possible time; and the instrument of ratification shall be exchanged in Moscow as soon as possible.

It comes into force immediately on the exchange of the instrument of ratification, and shall thereupon replace the agreement between the Government of the Union of Soviet Socialist Republics and His Majesty's Government in the United Kingdom, signed at Moscow on July 12th, 1941.

Part One of the Present treaty shall remain in force until the reestablishment of peace between the High Contracting Parties and Germany and the Powers associated with her in acts of aggression in Europe.

Part Two of the present treaty shall remain in force for a period of twenty years. Thereafter, unless twelve months' notice has been given by either party to terminate the treaty at the end of the said period of twenty years, it shall continue in force until twelve months after either High Contracting Party shall have given notice to the other in writing of his intention to terminate it.

PURL: http://www.legal-tools.org/doc/a8cf18/

LIB DOC NO 135

C E R T I F I C A T E

Statement of Source and Authenticity

I, HAYASHI, Kaoru, Chief of the Archives Section Japanese Foreign Office, hereby certify that the document hereto attached in English consisting of 5 pages and entitled "Treaty of Union in the War against Hitlerite Germany and her Associates in Europe and of Collaboration and Mutual Assistance thereafter between the U.S.S.R. and the United Kingdom of Great Britain and Northern Ireland, May 26, 1942." is an exact and true copy of an official document of the Japanese Foreign Office.

Certified at Tokyo,
on this 8th day of January, 1947.

(Signed) K. HAYASHI
Signature of Official

Witness: (Signed) Nagaharu ODO

PURL: http://www.legal-tools.org/doc/a8cf18/

not admitted

Lot 106 ○ Ex.5

「ヒトラー」統治下ノ「ドイツ」國及其ノ在歐協同國ニ對スル戰爭中ニ於ケル同盟竝ニ戰後ニ於ケル協力及相互援助ニ關スル「ソヴイエト」社會主義共和國聯邦「グレートヽブリテン」及北部「アイルランド」聯合王國間條約

千九百四十二年五月二十六日「ロンドン」ニ於テ署名

同　年七月　四　日「モスコー」ニ於テ批准書交換

同　年同月　同　日ヨリ實施

（本條約ノ歐文ハ在外帝國公館ノ報告ヨリ之ヲ採リタリ）

「グレートヽブリテン」、「アイルランド」及「グレートヽブリテン」海外領土皇帝「インド」皇帝陛下竝ニ「ソヴイエト」社會主義共和國聯邦最高會議議長ハ

千九百四十一年七月十二日「モスコー」ニ於テ署名セラレタル對獨戰爭ニ於ケル協同行動ニ關スル聯合王國ニ於ケル皇帝陛下ノ政府ト「ソヴイエト」社會主義共和國聯邦政府間協定ノ規定ヲ確認シ且之ニ代ルニ正式ノ條約ヲ以テセンコトヲ欲シ

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平和ノ維持及「ドイツ」國又ハ「ヨーロッパ」ニ於ケル侵略行爲ニ対シ「ドイツ」國ト協同セル諸國ニ依ル新ナル侵略ノ防止ニ戰後貢獻センコトヲ欲シ

且平和條約ノ締結ノ際竝ニ千九百四十一年八月十四日「アメリカ」合衆國大統領及「グレート、ブリテン」國總理大臣ニ依リ爲サレ「ソヴイエト」社會主義共和國聯邦政府ガ加入シタル宣言ニ於テ宣明セラレタル原則ヲ基礎トセル爾後ノ再建時代中相互ニ及他ノ諸聯合國ト密接ニ協力スルノ意思ヲ表明センコトヲ欲シ

最後ニ「ドイツ」國又ハ「ヨーロッパ」ニ於ケル侵略行爲ニ対シ「ドイツ」國ト協同セル諸國ノ何レカニ對スル攻撃ノ場合ニ於ケル相互援助ニ対シ規定センコトヲ欲シ

之ガ爲條約ヲ締結スルコトニ決シ左ノ如ク其ノ全權委員ヲ任命セリ

「グレート、ブリテン」、「アイルランド」及「グレート、ブリテン」海外領土皇帝印度皇帝陛下

「グレート、ブリテン」及北部「アイルランド」聯合王國

外務大臣、下院議員「アントニー、イーデン」
「ソウイエト」社會主義共和國聯邦最高會議議長
外務人民委員「ウヤチエスラフ、ミハイロウイチ、モロトフ」
右各全權委員ハ其ノ全權委任狀ヲ示シ之ガ良好妥當ナルヲ認メタル後左
ノ如ク協定セリ

第一編

第一條

聯合王國ト「ソウイエト」社會主義共和國聯邦トノ間ニ設定セラレタル
同盟ニ依リ締約國ハ「ドイツ」國及「ヨーロツパ」ニ於ケル侵略行爲ニ
付「ドイツ」國ト協同セル一切ノ國ニ對スル戰爭ニ於テ軍事上其ノ他ノ
一切ノ種類ノ援助及支援ヲ互ニ供與スルコトヲ相互ニ約ス

第二條

締約國ハ「トトテー」統治下ノ政府又ハ一切ノ侵略的意思ヲ目ニ表セ
ザル他ノ如何ナル「ドイツ」國內ノ政府トモ商議ヲ開始セズ且相互ノ同
意ニ依ル場合ヲ除クノ外「ドイツ」國又ハ「ヨーロツパ」ニ於ケル侵略

Doc No 105

PURL: http://www.legal-tools.org/doc/a8cf18/

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行爲ニ付「ドイツ」國ト協同セル他ノ何レノ國トモ如何ナル休戰條約又ハ平和條約ヲモ協定シ又ハ締結セザルコトヲ約ス

第二編

第三條

(イ) 締約國ハ戰後時代ニ於ケル平和ヲ維持シ及侵略ヲ阻止スル爲ノ協同行動ニ關スル提案ノ採擇ニ付滿蒙ヲ同クスル國ト國結スルノ希望ヲ確言ス

(ロ) 右提案ノ採擇ニ至ル迄締約國ハ「ドイツ」國又ハ「ヨーロッパ」ニ於ケル侵略行爲ニ付「ドイツ」國ト協同セル諸國ノ何レカニ依ル侵略ノ反復及平和ノ破壞ヲ不可能ナラシムル爲其ノ能力ノ限ニ於ケル一切ノ措置ヲ戰闘行爲ノ終了後ニ於テ執ルベシ

第四條

戰後時代中ニ締約國ノ一國ガ該國ニ對スル「ドイツ」國又ハ第三條(ロ)ニ揭ゲラルル國ノ何レカニ依ル攻擊ノ結果トシテ右攻擊國トノ戰闘行爲ニ捲込マルルニ至ルトキハ他ノ締約國ハ其ノ能力ノ限ニ於ケル一切ノ軍事上其ノ他ノ支援及援助ヲ右戰闘行爲ニ捲込マレタル締約國ニ對シ直ニ

D-2-B-56-K-155

與フベシ

本條ハ締約國ガ本條ガ第三條(一)ニ規定セラルル提案ノ採擇ニ依リ廢棄セラレタルコトヲ合意ニ依リ承認スルニ至ル迄引續キ效力ヲ有スベシ右提案ノ採擇ナキトキハ本條ハ引續キ二十年間效力ヲ有スベク又爾後ハ締約國ニ於テ第八條ニ規定セラルル所ニ從ヒ終了セラルルニ至ル迄引續キ效力ヲ有スベシ

第五條

締約國ハ其ノ各ノ安全ノ爲ヲ考慮シ「ヨーロッパ」ニ於ケル安全及經濟的繁榮ノ組成ノ爲平和ノ再建後密接且友好的ナル協力ヲ爲シ相共ニ勞苦スルコトヲ約ス締約國ハ右ノ目的事項ニ關シ聯合國ノ利益ヲ考慮スベク又自國ノ爲ノ領土ノ擴張ヲ求メズ且他國ノ內政ニ干渉セザルノ二原則ニ從ヒ行動スベシ

第六條

締約國ハ戰後相互ニ有ラユル經濟的援助ヲ與フルコトヲ約ス

第七條

PURL: http://www.legal-tools.org/doc/a8cf18/

D.E.B.D.C. NO. 155

各締約國ハ他方ノ締約國ニ直接對行スル如何ナル同盟ヲモ締結セズ又如何ナル聯合ニモ參加セザルコトヲ約ス

第八條

本條約ハ成ルベク短キ期間内ニ批准セラルベク且批准書ハ成ルベク速ニ「モスコー」ニ於テ交換セラルベシ

本條約ハ批准書ノ交換ト共ニ直ニ實施セラレ之ト同時ニ千九百四十一年七月十二日「モスコー」ニ於テ署名セラレタル「ソヴイエト」社會主義共和國聯邦政府竝合王國ニ於ケル皇帝陛下ノ政府間協定ニ代ルベシ

本條約第一編ハ締約國ト「ドイツ」國及「ヨーロッパ」ニ於ケル侵略行爲ニ付「ドイツ」國ト協同セル諸國トノ間ノ平和ノ再建ニ至ル迄引續キ效力ヲ有スベシ

效力ヲ有スベシ

本條約第二編ハ二十年間引續キ效力ヲ有スベシ爾後ハ何レカノ一方ノ締約國ガ右二十年ノ期間ノ終ニ於テ本條約ヲ終了セシメル爲十二月ノ豫告ヲ爲サザル限リ本條約ハ何レカノ締約國ガ之ヲ終了セシメルノ意思ヲ書面ヲ以テ他方ニ通告シタル後十二月ニ至ル迄引續キ效力ヲ有スベシ

PURL: http://www.legal-tools.org/doc/a8cf18/

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右證據トシテ前記全權委員ハ本約ニ署名調印セリ

千九百四十二年五月二十六日「ロンドン」ニ於テ「ロシア」語及「イギリス」語ヲ以テ本書二通ヲ作成ス兩本文ハ共ニ正文トス

PURL: http://www.legal-tools.org/doc/a8cf18/

Exhibit No 185

CERTIFICATE

Statement of Source and Authenticity

I, HAYASHI, Kaoru, Chief of the Archives Section, Japanese Foreign Office, hereby certify that the document hereto attached in Japanese consisting of 7 pages and entitled "Treaty of Union in the War against Hitlerite Germany and her associates in Europe and of Collaboration and Mutual Assistance thereafter between the U.S.S.R. and the United Kingdom of Great Britain and Northern Ireland, May 26, 1942." is an exact and true copy of an official translation of the Japanese Foreign Office.

Certified at Tokyo,
on this 8th day of January, 1947.

(Signed) K. HAYASHI
Signature of Official

Witness: (Signed) Nagaharu ODO

PURL: http://www.legal-tools.org/doc/a8cf18/

DEF DOC # 186

Not Admitted

AGREEMENT FOR JOINT ACTION BY THE GOVERNMENT
OF THE UNION OF SOVIET SOCIALIST REPUBLICS
AND HIS MAJESTY'S GOVERNMENT IN THE
UNITED KINGDOM IN THE WAR
AGAINST GERMANY.

no separate peace

Signed at Moscow, July 12, 1941.
In force from July 12, 1941.

The Government of the Union of Soviet Socialist Republics and His Majesty's Government in the United Kingdom have concluded the present agreement and declare as follows: (1) The two Governments mutually undertake to render each other assistance and support of all kinds in the present war against Hitlerite Germany; (2) They further undertake that during the war, they will neither negotiate nor condlude an armistice or treaty of peace except by mutual agreement.

The present agreement has been concluded in the Russian and English languages. Both texts have equal force.

Moscow, 12th July, 1941.

V. Molotov
Deputy President of the Council of People's
Commissars and People's Commissar
for Foreign Affairs of the U.S.S.R.

R. Stafford Cripps
His Majesty's Ambassador Extraordinary
and Plenipotentiary in the U.S.S.R.

PURL: http://www.legal-tools.org/doc/a8cf18/

DEF DOC # 186
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C E R T I F I C A T E

Statement of Source and Authenticity

I, HAYASHI, Kaoru, Chief of the Archives Section, Japanese Foreign Office, hereby certify that the document hereto attached in English consisting of 1 page and entitled "Agreement for Joint Action by the Government of the Union of Soviet Socialist Republics and His Majesty's Government in the United Kingdom in the War against Germany, July 21, 1941. is an exact and true copy of an official document of the Japanese Foreign Office.

Certified at Tokyo,

on this 8th day of January, 1947.

(Signed) K. Hayashi
Signature of Official

Witness : (Signed) Nagamaru Odo

PURL: http://www.legal-tools.org/doc/a8cf18/

DEF DOC # 187

Not Admitted

PROTOCOL TO THE AGREEMENT FOR
JOINT ACTION.

Upon the conclusion of the agreement for joint action by His Majesty's Government in the United Kingdom and the Government of the U.S.S.R. in the war against Germany, the Contracting Parties have agreed that the aforesaid agreement enters into force immediately upon signature and is not subject to ratification.

The present Protocol has been drawn up in duplicate in the English and Russian Languages. Both texts have equal force.

Moscow, 12th July, 1941.

H. S. Cripps

V. Molotov

PURL: http://www.legal-tools.org/doc/48a3ad/

DLF DOC # 187

C E R T I F I C A T E

Statement of Source and Authenticity

I, HAYASHI, Kaoru, Chief of the Archives Section, Japanese Foreign Office, hereby certify that the document hereto attached in English consisting of 1 page and entitled "Protocol to the Agreement for Joint Action, 12th July 1941." is an exact and true copy of an official document of the Japanese Foreign Office.

Certified at Tokyo,

on this 8th day of January, 1947.

(Signed) K. Hayashi
Signature of Official

Witness : (Signed) Nagaharu. Odo

PURL: http://www.legal-tools.org/doc/48a3ad/

Dip DOC # 187

協同行動ニ關スル協定議定書

對獨戰爭ニ於ケル聯合王國ニ於ケル皇帝陛下ノ政府及「ソヴイエト」社會主義共和國聯邦政府ニ依ル協同行動ニ關スル協定ノ締結ト同時ニ締約國ハ前記協定ガ署名ノ時直ニ實施セラレ且批准ヲ要セザルコトヲ協定セリ

本議定書ハ「イギリス」語及「ロシア」語ヲ以テ本書二通作成セラレタリ兩本文ハ同一ノ效力ヲ有ス

千九百四十一年七月十二日「モスコー」ニ於テ

アール、エス、クリップス

ヴエー、モロトフ

PURL: http://www.legal-tools.org/doc/48a3ad/

DEF DOC # 187

C E R T I F I C A T E

Statement of Source and Authenticity

I, HAYASHI, Kaoru, Chief of the Archives Section, Japanese Foreign Office, hereby certify that the document hereto attached in Japanese consisting of 1 page and entitled "Protocol to the Agreement for Joint Action." is an exact and true copy of an official translation of the Japanese Foreign Office.

Certified at Tokyo,

on this 8th day of January, 1947.

(Signed) K. Hayashi
Signature of Official

Witness : (Signed) Nagaharu. Odo

PURL: http://www.legal-tools.org/doc/48a3ad/

Ref

Def. Doc. 159 OBSERVATIONS OF THE JAPANESE GOVERNMENT ON THE REPORT OF THE COMMISSION OF INQUIRY DEC. 10, 1931

INTRODUCTION

The Japanese Government have studied with all the care demanded by the importance of the document the Report presented by the Commission of Enquiry appointed by the League of Nations.

It has been the constant object of the Japanese Government to do everything in their power to afford information to the Commission and to facilitate their investigations. They sincerely appreciate the endeavours made by the members of the Commission to make themselves acquainted with the details of a very delicate and complex situation which presents many unfamiliar and novel features.

In view of the exacting nature of the task and of the very short time which could be devoted to it, it is not, however, surprising that the Report should in various passages be marked by omissions, inconsistencies and misapprehensions. To obtain a thorough knowledge of the situation, a year would not have been too long. A six weeks' visit to Manchuria and some weeks spent in the atmosphere of Peiping and Nanking could only impart a superficial impression, dependent as the Commission necessarily were on the information furnished them, and the views entertained, by authorities more familiar than they with the Chinese language and conditions. Had they had more time and visited other parts of the country, especially South China, the optimism which they express regarding the Chinese situation would, it is felt, have been considerably modified.

It is by no means the intention of the Japanese Government to indicate all the points in which they feel that the Report lies open to exception. Nor do they intend to enter into any meticulous criticism of details in the Report, which, taken as a whole, and especially in its descriptive portions, furnishes a valuable compendium of events. For the moment, and of course without prejudice to the presentation of their further opinion, they will limit themselves to the formulation of certain observations on matters of capital importance, with the sole object of establishing the true facts.

In offering these observations, the Japanese Government have, needless to say, not the remotest intention of casting any reflection on the conscientious way in which the Commission have drawn up their Report. But they are impressed by the feeling that items of information drawn from unimpeachable sources --e.g. those presented by the representatives of the Japanese Government--have been passed over or disregarded, whilst undue credit has been accorded to dubious information coming from obscure or even unknown quarters.

The Japanese Government cannot ignore the fact--apparent on the face of the Report--that in addition to the documents duly exchanged between the Parties, the Commission have based their findings on newspaper articles, on letters received from casual correspondents, and on the private conversations of members of the Commission and their expert advisors with individuals in-

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vested with no special qualifications. It is a fact worthy of remark that this kind of evidence emanating from indefinite and uncertain sources is invariably used to corroborate Chinese contentions as against those of Japan. The Japanese Government had no means of ascertaining in each case the source of such information and refuting it, and must necessarily reserve the right of making further enquiries to elucidate the degree of credit which is to be attached to such material.

The reception of this kind of dubious or worthless evidence is particularly noticeable in the sections dealing with the Incident of 18 September and with the establishment of the Independent State of Manchoukuo. In the former case it leads to a complete misconstruction of the motives which actuated the Japanese armed forces and in the latter case to the presentation of suggestions for the future government of Manchuria which are consistent neither with the tenor of the remainder of the Report nor with the realities of the situation.

In its future deliberations directed to securing the peace of the Far East, the League of Nations cannot, in fact, avoid taking into account the whole of the existing circumstances in this part of the world — in China as well as in Manchuria, including the events which have transpired subsequently to the preparation of the Report. It is with a view to afford what assistance they can to this endeavour that the present observations have been drawn up, so that Members of the League may have a clear comprehension of the real situation in all its bearings.

When, in the course of these observations, reflections are unavoidably cast on the conduct of the Chinese, it may be well to disclaim the idea, sometimes latent in the Report, that Japan entertains feelings of bitterness or hostility towards the Chinese people. The Japanese Government believe that the Chinese people have been much misled, much terrorized and much misrepresented and that their main desire is to enjoy in peace and quiet the results of their industry. Japan, maintaining her old friendly attitude, looks forward to ages of prosperous and neighbourly cooperation between the two nations.

CHAPTER I

CHINA

A. General Survey

The Report very properly endeavours, before dealing with the situation in Manchuria, to give in Chapter I a general view of China and to furnish some account of the internal conditions there prevailing.

Unfortunately, it reveals that the investigations conducted by the Commission have been not only incomplete, but somewhat superficial. It contains, indeed, many just conclusions flowing for the most part from observed facts. But all these observations and conclusions are enveloped in a mist of optimism, the glamour of which is certain to be misleading to anyone who does not know the true facts.

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The Commission appear to be surprised at such statements as that "China is not an organized State" (p. 17) and that "China is in a condition of complete chaos and incredible anarchy." (p. 17) They call attention to "an altogether different attitude that was taken at the time of the Washington Conference by all the participating Powers," when in fact there were two completely separate Governments in China, one at Peking and another at Canton -- when banditry was rife, frequently interfering with the communications in the interior, and when preparations were being made for a civil war which a few months afterwards overthrew the Central Government and set up a third independent government in Manchuria; when, in short, "there existed no fewer than three Governments professing to be independent, not to mention the virtually autonomous status of a number of provinces or parts of provinces." (p. 17)

At that time, conditions were certainly not ideal. But there were then only three main rivals in the field. Now there is a whole kaleidoscope. Outer Mongolia and Thibet have been almost entirely lost, while the National Government at Nanking not only secure no obedience from various local leaders, especially, the Southern faction at Canton, but are actually threatened by the tremendous communist aggregation which has its centre in the Provinces of Hupei, Fukien and Kiangsi. That most of the factions aim at the ideal of a United China, of which each thinks to be the master, is possible enough, but that does not make China united, as the Report seems inclined to assert.

At the time of the Washington conference, it was possible to hope for an early restoration of unity and peace to China, but events have belied that hope. The disunion and anarchy of China have gone from bad to worse. The struggles of rival militarists have been woven into the very fabric and structure of Chinese politics, communism has deeply entrenched itself in the heart of the country. The habit of civil strife has become ingrained and endemic; and it is only unreasoning optimism, or a failure to acquaint oneself with the conditions on the spot, which can prompt an observer to detect progress since 1922.

The Japanese Government recognize the justice and force of many of the conclusions of the Report in so far as it deals in Chapter I with the present conditions prevailing in China.

"Political upheavals, civil wars, social and economic unrest, with the resulting weakness of the Central Government, have been the characteristics of China since the revolution of 1911. Those conditions have adversely affected all the nations with which China has been brought into contact, and until remedied will continue a menace to world peace and a contributory cause of world economic depression." (p. 13)

At p. 14, dealing with the problems of assimilation and transformation which confronted both Japan and China, the Report emphasizes the special conditions of China "owing to the vastness of her territory, the lack of national unity of her people, and traditional financial system, under which the whole of the revenue collected did not reach the Central Treasury." It remarks that "the reluctance of China to receive foreigners, and her attitude toward those who were in the country was bound to have serious consequences," and that "it concentrated the attention of her rulers on resistance to and restriction of foreign influence," and it adds that "as a result, the constructive reform necessary to enable the country to cope with the new conditions was almost completely neglected."

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At p. 16, the Report calls the fact that from 1914 to 1928, "China was ravaged by warring factions; and the ever-present bandits grew into veritable armies by the enlistment of ruined farmers, desperate inhabitants of famine stricken districts, or unpaid soldiers. Even the constitutionalists, who were fighting in the South, were repeatedly exposed to the danger of militarist feuds arising in their midst."

At pp. 16-17, it notes that upon the establishment of a government at Nanking in 1927,"the party was now ready to put into operation its schemes of political and economic reconstruction, but was prevented from doing so by internal dissensions, the periodical revolt of various Generals with personal armies, and the menace of Communism. In fact, the Central Government had repeatedly to fight for its very existence."

Finally, on p. 17, it remarks that "for a time unity was maintained on the surface. But not even the semblance of unity could be preserved when powerful war lords concluded alliances amongst themselves and marched their armies against Nanking. Though they never succeeded in their object, they remained, even after defeat, potential forces to be reckoned with. Moreover, they never took the position that war against the Central Government was an act of rebellion. It was in their eyes simply a struggle for supremacy between their faction and another one which happened to reside in the national capital and to be recognized as the Central Government by foreign Powers," and reaches the conclusion that "from this summary description it appears that disruptive forces in China are still powerful." (p. 17)

How can these entirely justified statements be reconciled with the optimistic views to which expression is given in the same Chapter? It is stated, for instance, on p. 17, that "although, at present, the Central Government's authority is still weak in a number of provinces, the central authority is not, at least openly, repudiated."

It is hardly necessary to recall facts of recent date, subsequent to the composition of the Report, which prove that the struggles between rival war lords are very far from having come to an end. In the North, despite the injunction of the National Government, General Liu Chen-nien and General Han Fu-chu have been carrying on hostilities since the middle of September. In the South, for instance, the struggle for the presidency of the Provincial Government of Fukien has also brought about fights between opposing military and civil factions. In the West, Thibetan troops have occupied the Provinces of Hsikang and Kokonor. In the Province of Szechuan military operations have taken place between General Liu Hsiang: and in spite of an urgent telegram from General Chiang Kai-shek, reminding them that such behaviour is calculated to produce an impression of want of unity, those hostilities have gone on unabated.

The Report indeed explicitly states that communism in China does not only mean, as in most countries other than the U.S.S.R. either a political doctrine held by certain members of existing parties or the organization of a special party to contest for power with the other political parties. "It has become an actual ruler of the National Government. It possesses its own law, army and government, and has own territorial sphere of action. For this state of affairs there is no parallel in any other country." (p. 23).

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Upon this rapid review of the "disruptive forces," the continually controlling nature of which the Report duly recognizes, it is the conviction of the Japanese Government that, contrary to the view expressed on p. 17 of the Report, that "considerable progress has in fact been made" since the date of the Washington Conference, an impartial examination will show that the condition of China is in fact much worse.

B. ANTI-FOREIGN ACTIVITIES IN CHINA

The many intense manifestations of anti-foreign sentiment that have taken place in China have played no less a part than those conditions of anarchy and disturbance which have just been described, in creating the atmosphere that gave rise to the recent unfortunate conflict.

The Report itself takes occasion to pronounce that:-

"Having started upon the road of international cooperation for the purpose of solving her difficulties, as was done at Washington, China might have made more substantial progress in the ten years that have since elapsed had she continued to follow that road. She has only been hampered by the virulence of the anti-foreign propaganda which has been pursued. In two particulars has this been carried so far as to contribute to the creation of the atmosphere in which the present conflict arose, namely, the use made of the economic boycott and the introduction of anti-foreign propaganda into the schools." (P. 18)

Anti-foreign propaganda (in the schools especially) and boycott are circumstances of aggravation which are unfortunately dissevered from each other in the Report. They must be attentively co-ordinated, if we desire to understand the real state of things which prevailed in China, when special causes of tension in Manchuria resulted in the Incident of 18 September, 1931.

The "National" Government are permeated by acute anti-foreign feeling, and work earnestly to instil a virulent hatred of foreigners into the minds of the younger generation. Fifty millions of young Chinese are growing up under the influence of violent ideas, thus constituting a terrific problem for the immediate future. The Nanking Government are doing their best to foster this alarming process. Let us cite from the Report:--

"The ideas of Dr. Sun Yat-sen are now taught in the schools as if they had the same authority as that of the Classics in former centuries. The sayings of the Master receive the same veneration as the sayings of Confucius received in the days before the Revolution. Unfortunately, however, more attention has been given to the negative than to the constructive side of nationalism in the education of the young. A perusal of the text books used in the schools leaves the impression on the mind of a reader that their authors have sought to kindle patriotism with the flame of hatred, and to build up manliness upon a sense of injury. As a result of this virulent anti-foreign propaganda, begun in the schools and carried through every phase of public life, the students have been induced to engage in political activities which sometimes have culminated in attacks on the persons, homes or offices of Ministers and other authorities, and in attempts to overthrow the Government." (p. 19)

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The Report recognizes that the Chinese boycotts have been the definite expression of a hostile attitude on the part of China towards Japan, that they injure the economic interests of Japan, and that they are consequently detrimental to friendly relations between Japan and China both from a psychological and from a material point of view. These observations confirm what the Japanese Government have always consistently maintained.

Some remarks may, however, be made on the special character of Chinese boycotts and on the question of responsibility for them.

In recent years, the boycott has developed in China the special characteristic of being employed not only as a means of protest against legitimate measures of foreign Powers to protect the lives and property of their respective subjects in China, but also as an instrument of national policy to secure the abandonment by another nation of its treaty rights.

As to the question of governmental responsibility, the Report states that "there is no doubt" as to the responsibility of the Kuomintang for the boycotts. This is patently correct, and it must be added that the Kuomintang, or the Nationalist Party, is not a simple political party in the Occidental sense of the term, but a regular state organ of China in accordance with the Chinese organic law. It is evident that its acts entail a national responsibility upon the National Government.

No isolated descriptions, however minute and detailed, of anti-foreign methods of education and of the operation of boycott movements can be sufficient of themselves to give a full understanding of the actual conditions prevailing in China. It is necessary that the whole should be co-ordinated, so as to reveal, underlying these two phases of anti-foreign activity, the anti-foreign policy of the Kuomintang and the Nationalist Government. This feature the Report fails to bring out. It is noteworthy that the Kuomintang and the Nationalist Government began to play an important role in China within a few years of the Washington Conference. They have persistently pursued their so-called "revolutionary policy" ever since they came into power. It is this avowed policy of theirs, as well as the lawless conditions subsisting in China, that has alarmed foreign Powers and has increased their reluctance to surrender the rights which constitute at the moment their only protection.

On this point, the Report itself states that "the influence of the Kuomintang has introduced into the nationalism of China an additional and abnormal tinge of bitterness against all foreign influences.....It demands the return of leased territories, of administrative and other not purely commercial rights exercised by a foreign agency in railway areas, of administrative rights in concessions and settlements, and of extraterritorial rights which imply that foreigners are not amenable to Chinese laws, law courts and taxation" (p. 18), and that"China demands immediately the surrender of certain exceptional powers and privileges because they are felt to be derogatory to her national dignity and sovereignty." (p.23)

Further study would have revealed to the commission that these were not empty "demands", but that the Chinese authorities were determined to push them through to fruition by their own unilateral declarations and their own brute force.

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The Kuomintang Party has time and again announced as its basic foreign policy the abolition of foreign rights, with the avowed intention of denouncing "unequal" treaties unilaterally, if need be, regardless of the attitude of the other signatory Powers. In 1926, General Chiang Kai-shek declared that should the Nationalist revolution succeed, China would abolish all "unequal" treaties immediately and unilaterally. In January, 1927, the British Concessions in Hankow and Kiukiang were forcibly seized by the Kuomintang. Its actions may have become somewhat more moderate after the establishment of the Nationalist Government at Nanking in April, the same year, but its policy did not change. They repeatedly proclaimed their intention of abrogating "unequal" treaties and of doing away with the rights and interests acquired by foreigners in China. They repeatedly pledged themselves to the public to carry out this policy. Acting upon the pledge, the Government on December 28, 1929, promulgated a law providing for the abolition of extraterritoriality as from January 1, 1930, and again in January 1931, declared that unless a satisfactory settlement of the extraterritoriality issue could be arrived at by the end of February, the same year, the Government would proceed with their proclaimed policy of abolishing extraterritoriality by other than diplomatic means. At the same time, there were issued "Regulations regarding the Adminisistration of Justice in the case of Foreigners," and thus they openly expressed their intention of unilaterally doing away with the treaties, announcing the fact to the interested Powers.

It will be apparent that foreigners and their rights in China were faced with serious dangers prior to the Incident of 18 September. And, as the Report observes, "so far as Japan is China's nearest neighbour and largest customer, she has suffered more than any other Power from the lawless conditions....." (p. 23)

C. Abnormal Status of Foreigners in China.

The internal disintegration which in fact lies at the very heart of the capital question of China, together with the state of constant insecurity to which the lives and property of foreigners are consequently exposed: the inculcation of hatred in the schools and the anti-foreign propaganda among the adolescent: the projected methods of boycott to be applied to foreigners of one nationality or another: the unilateral denunciation of treaties, along with the rest of the measures derived from the theories of "revolutionary diplomacy", all contribute to invest the problems which are presented by China, destitute as she is of a strong and united government, with an entirely special character, and prevent the application of usual methods of solution. Such anti-foreign characteristics as have been described (and which are unparalleled anywhere else), have obliged foreign Powers to maintain a system for the protection of their rights and interests at their own hand. These Powers not only possess rights of extraterritorial jurisdiction in China, but maintain (of course besides their leased territories) concessions in Tientsin, Hankow, Shanghai and other cities, which they themselves police and administer. While thus making due provision to minimize the evil effects of Chinese lawlessness, these Powers hold themselves in a condition to protect their rights by force of arms. Besides the forces protecting the Japanese railway in Manchuria, there were before the Incident of 18 September, 4,700 American, British, French and Italian troops, together with some 900 Japanese, in the Peiping and Tientsin districts, all stationed there since 1901 in virtue of treaty stipulations. Most of these Powers also have forces stationed in Shanghai, not under treaty,

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but under the simple necessities of self-defence--a state of affairs which has come about altogether subsequently to the Washington Conference of 1922, and thus shows the deterioration of conditions since that date. Many men-of-war are also stationed, not only at sea-ports like Shanghai and Tsingtao, but also in inland waters, such as the Yangtze River and the Paiho.

Nor is this an empty form. There have been many occasions on which these troops and vessels have been employed in active self-defence.

Besides such conspicuous cases as those presented by the firing by foreign forces at Shameen in 1925, the bombardment of Wanhsien in 1926 and that of Nanking in 1927, there have been numerous cases in which foreign men-of-war navigating the Yangtze River have been compelled to return the unprovoked fire of Chinese troops from the banks. These unprovoked attacks have indeed been on the increase in recent years, particularly since the Kuomintang came into power.

It is thus clear that the position of foreign Powers in China is an altogether exceptional one, without parallel in other parts of the world. International usages and the manner of exercising the right of self-defence are there marked by characteristics unlike any to be found in other civilized countries. The Report itself states on p. 23 that "the realisation of China's national aspirations in the field of foreign relations depends on her ability to discharge the functions of a modern Government in the sphere of domestic affairs, and until the discrepancy between these has been removed the danger of international friction and of incidents, boycotts, and armed interventions will continue."

The application of what may be called "Peace Machinery" such as resort to International Courts or Arbitrators encounters insuperable obstacles in the case of China. It has been found impossible in the past to make use of these organs even in disputes which did not involve vital interests. The abnormal conditions of China and the fact that the Powers refuse, in view of their existence, to modify the abnormal and extraordinary institutions above-mentioned are sufficient proof of the impossibility of applying to Chinese disputes the normal "Peace Machinery", as constituted at present.

CHAPTER II

Manchuria

A. General Survey

The Commission seem throughout to be influenced by the assumption that Manchuria is naturally and necessarily part of China. In fact, on p. 29, they say it has always been considered "an integral part of China." As a matter of fact, the union of Manchuria with China has only been temporary and accidental. This is apparent from the Report, which passes lightly over the situation which supervened on the dethronement of the Manchu Dynasty. In actual fact, although the Manchurian authorities may have "followed the lead of Yuan Shih-kai," and many have not concerned themselves very much about their constitutional position, it is safe to accept the considered opinion of M. Escarra, an adviser to the Nanking government, (La Chine et le Droit International, p, 240), that the disappearance of the Manchu Dynasty from China and the consequent disappearance

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of the substratum ("support") of the dynastic bond which united Manchuria is [illegible] union with China "ne s'accompagnait guere d'autres modes de rattachement." "La Mandchourie", says this author, "n'a jamais ete vassale de la Chine, puisque c'est une famille mandchoue, au contraire, qui a conquis l'Empire chinois. On ne peut pas, d'autre part, considerer la Chine comme ayant ete vassale de la Mandchourie,.....Il s'agit bien d'un exemple d'union personnelle, ..." "Au fond", M. Escarra proceeds, "il ne pouvait guere etre question des droits de la Chine sur la Mandchourie. Il n'y avait eu que ce fait que des Mandchous etaient sur le trone de Chine, sans plus. Cette famille disparaissant, il fallait trouver une autre formule juridique pour expliquer le rattachement de la Mandchourie a la Chine. Il ne semble pas que cette formule ait ete recherchee d'une maniere consciente." Thus the connection between Manchuria and China was loose and vague, and on various occasions Chang Tso-lin repudiated it in set terms.

Even assuming that in this ambiguous state of things Manchuria must be pronounced to have been for the moment duly incorporated with China--a large assumption--the fall of the United Republic after the death of Yuan Shih-kai in 1916 signalized the break-up all unity of government in China. None of the governments arising in that vast area had any title to supremacy over the rest, and the eventual establishment of a government at Nanking and its recognition as a legitimate government by the Powers could not invest it with authority over regions, such as Manchuria, which had never been subject to its sway.

In point of fact, Chang Tso-lin never took orders from any of the various parties who from time to time seized authority in Peiping, though he may have consulted their inclinations when it suited him to do so. "His attitude from time to time," says the Report (p. 28), "depended on the nature of his personal relations with the military leaders who controlled the changing central authorities. He seems to have looked upon his relations with the Government in the sense of a personal alliance." The Report gives many instances of his independence and proceeds to develop the theory, that in asserting independence of, and free alliance with, the Chinese Government, he did not mean to be independent of China. (pp. 28-29) This assertion can only mean, at most, that Chang desired and would have welcomed a United China comprising his own Manchuria. That may or may not have been the case, but it obviously in no respect affects the status of Manchuria, which depends solely on facts and not upon surmises. In point of fact, in his declaration of May, 1922, Chang expressly says that the North Eastern Provinces "are not recognized as territories of the Republic of China."*

Chang Tso-lin's son and successor, General Chang Hsueh-liang, has adopted essentially the same attitude; not repudiating the ideal of a United China which should include Manchuria, and accepting the Nanking Government as a symbol of that ideal unity, but entirely repudiating any subjection to it in practice. As the Report says (p. 30), "The relationship with the Central Government depended in all affairs military, civil, financial and foreign, on voluntary co-operation. Orders or instructions requiring unquestioning obedience would not have been tolerated. Appointments or dismissals against the wishes of the Manchurian authorities were unthinkable."

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* "To the Foreign Ministers in Peking, the Foreign Consuls in Tientsin and the Foreign Residents both Civil and Military in Tong-shan.

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The Report thus clearly demonstrates the entire independence of Manchuria under the Changs from subjection to, or interference by, any Chinese government.

When, therefore, on p. 29, the Report declares Manchuria to have "remained a integral part of China" and elsewhere declares that such is still itsposition, t contradicts all that it has adduced to prove its perfect independence. Invoking against Japan the Law of Nations, it collides with the most fundamental doctrine of that law, viz., that a state must possess and continue to possess one supreme government. Since 1916 no single government has ever exerted actual authority over the whole of China.

As a further attempt to prove that Manchuria ought to be regarded as a part of China, the Report relies on the undoubted fact that many or most of the present inhabitants of Manchuria are Chinese immigrants. To this, it is sufficient to remark that, as the Report itself observes, the Chinese have not a keen sense of nationality, and to add that the doctrine of the Report would have very awkward consequences for the territorial status of many countries and for the peace of the world, if applied elsewhere.

B. Misgovernment of the Chang Dynasty.

The independence of the Three Eastern Provinces, and subsequently of the Four North-Eastern Provinces, and the maintenance even subsequently to December 1928, of their administrative unity, does not mean that Manchuria was well governed. The Commission note, while they somewhat extenuate, the maladministration which prevailed under the Changs. (p. 31)

"The Manchurian authorities realized that, as before, their power derived much more from their armies than from Nanking.

I have received from Hsu Shih-chang a communication giving away Three Eastern Provinces, the special areas, Jehol and Cha Ha-erh, also the Inner and the Outer Mongolia. All these are not recognized as territories of the Republic of China.

I, with my special position, cannot but assume all the responsibilities thereof, and do my utmost to protect the lives and properties of all the friendly nations, cultivating friendly relationship with them. All the important treaties which have been made under the Manchu Regime and the Republic of China will be fully recognized and respected. The Foreign Ministers, the Foreign Consuls and Foreign Residents who wish to conduct negotiations on other matters and affairs can communicate with my office at Lanchow. I shall hereafter have closer commercial relationship than ever before with the friendly nations in order to promote the happiness and prosperity of the people. Whatever treaties Hsu Shih-chang will make after the first day of this month with reference to the Three Eastern Provinces, the Inner and the Outer Mongolia, Jehol and Cha Ha-erh, and which do not have my direct permission, will not be recognized by me, and I shall look upon them as something done with bad intention by Hsu Shih-chang. (Signed) Chang Tso-lin Commander-in-chief of Fengtien Troops."

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"This fact explains the maintenance of large standing armies numbering about 250,000 men, and of the huge arsenal on which more than $200,000,000 (silver) are reported to have been spent. Military expenses are estimated to have amounted to 80 percent of the total expenditure. The remainder was not sufficient to provide for the costs of administration, police, justice and education. The treasury was not capable of paying adequate salaries to the officials. As all power rested in the handsof a few military men; office could be owned only through them. Nepotism, corruption and maladministration continued to be unavoidable consequences of this state of affairs. The Commission found grave complaints concerning this maladministration to be widely current. This state of affairs, however, was not peculiar to Manchuria, as similar or even worse conditions existed in other parts of China.

"Heavy taxation was needed for the upkeep of the army. As ordinary revenues were still insufficient, the authorities further taxed the people by steadily depreciating the irredeemable provincial currencies. This was often done, particularly of late, in connection with "official bean-buying" operations, which by 1930 had already assumed monopolistic proportions. By gaining control over Manchuria's staple products, the authorities had hoped to enhance their gains by compelling the foreign bean-buyers, particularly the Japanese, to pay higher prices. Such transactions show the extent to which the authorities controlled banks and commerce. Officials likewise engaged freely in all sorts of private enterprise and used their power to gather wealth for themselves and their favourites."

This gloomy picture is severely edited summary of the material presented by the Japanese Assessor to the Commission in Chapter VIII of "The Present Condition of China", and only imperfectly reflects the true and actual conditions, which were even worse (especially as regards the administration of justice and the police) than the above extract would suggest. But the passage is effective, even in its moderate statements, as showing how the Manchurian people laboured under an oppressive yoke of official and militarist victimization and how unlikely it was that any artificial Japanese stimulus was necessary in order to induce them to break it when the opportunity came.

C. Special Position of Japan

It is in this region that Japan has acquired a "special position." The "special position" of Japan in Manchuria, to which so much mystery is attached, is in reality a very simple matter. It is nothing but the aggregate of Japan's exceptional treaty rights in that country, plus the natural consequences which flow from her close neighbourhood and geographical situation and from her historical associations. Her measures of self-defense must be measured by the extent of her interests and her interests are exceptional, intimate and vital. In the standard case of the Caroline, it was the propinquity to the United States and the extreme importance and disturbed conditions of Canada that led the United States to acquiesce in the action of Great Britain in invading American soil and destroying the instant menace.

Every act of self-defense must depend for its justification on the importance of the interests to be defended, on the imminence of the danger, and on the necessity of the act. Japanese interests in Manchuria are commanding; her territory is contiguous, and Japan can not depend wholly upon the local force.

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Her "special position" is at once apparent. It does not give her, nor is it asserted to give her, a general and vaxatious right of intervention in the administration of the country. But it certainly creates a position in which she must defend herself with uncommon energy against military attack.

The Japanese Government agree fully with the passages in which the Commission enumerate the rights acquired by Japan in Manchuria by virtue of the Treaties of 1905 and 1915, which it is satisfactory to know that they recognize are in full force and cannot be abolished by unilateral action.

At p. 38 they observe:--

"This summary of the long list of Japan's rights in Manchuria shows clearly the exceptional character of the political, economic and legal relations created between that country and China in Manchuria. There is probably nowhere in the world an exact parallel to this situation, no example of a country enjoying in the territory of a neighbouring State such extensive economic and administrative privileges."

And on p. 39:--

"Japanese interests in Manchuria differ both in character and degree from those of any other foreign country. Deep in the mind of every Japanese is the memory of their country's great struggle with Russia in 1904-5, fought on the plains of Manchuria, at Mukden and Liaoyang, along the line of the South Manchuria Railway, at the Yalu River, and in the Liaotung Peninsula. To the Japanese the war with Russia will ever be remembered as a life and death struggle fought in self-defence against the menace of Russian encroachments. The fact that a hundred thousand Japanese soldiers died in this war, and that two billion gold Yen were expended, have created in Japanese minds a determination that these sacrifices shall not have been made in vain."

There is nothing in this "special position" conflicting (as the Report asserts) with the sovereign rights of China.

The powers conferred upon Russia, and secured by Japan, in the extremely limited area known as the South Manchuria Railway Zone did not at all present a conflict with Chinese sovereignty. No exception could have been taken to a cession or long lease by China of this Zone to Russia, and through Russia to Japan. It would have been an exercise of sovereignty and not a conflict with sovereignty. That the nominal sovereignty of China was permitted to subsist when the agreement with Russia was made, does not make the rights which China conferred on Russia "conflict" with the sovereignty of China: they were, on the contrary, derived from the sovereignty of China.

Nor is it possible to imagine that the propinquity, and the economic and strategic importance of Manchuria to Japan conflict with the local sovereignty. They make it more possible that Japan might be obliged to resort to self-protection by events in Manchuria than she would be if Manchuria were on the other side of the world. But this is no restriction on the sovereignty of the region; it is only a remote liability to an occurrence to which every state is subject, --even the strongest. The sovereignty of the United States was not impaired by the Caroline Case.

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The "special position" of Japan, so persistently assailed, has resulted in Japan's accomplishment, in spite of many embarrassments, of a great work of civilization in Manchuria. The principal agent in this development has been the South Manchuria Railway in its multiform activities. But neither in Chapter II nor in Chapter VIII of the Report is any acknowledgement made of the work so accomplished -- in fact, the Railway is scarcely mentioned at all, although great stress is laid on the activities of Chinese immigrants, The present prosperity of Manchuria is no doubt due as the Report says, in no small measure to the influx of a hard-working and plain-living Chinese population. This can not be ascribed to an official Chinese policy of emigration. The phenomenon is simply and solely due to the attractiveness of Manchuria to the Chinese farmer. And Manchuria was attractive, not because it was well-governed, but because, owing to the presence of Japan, it was free from the scourge of war. The Chinese, as is well known, and as is pointed out in the Report, are highly adaptable to environment and are destitute of any strong national feeling. Their connection, if any, with China is a matter of social and family sentiment. It implies no political attachment whatever. "The ties", as the Report observes (p 125),"between Manchuria and the rest of China remain chiefly racial and social," i.e., they are not political. They are "racial and social rather than economic." (p 123) In view of this, it is difficult to understand the emphasis which is placed by the Report on the political efficiency of this non-political, non-economic tie.

D. Attacks on Japan's Position

Although the Report says little concerning the enterprises and establishments of the Japanese in Manchuria, it is these enterprises and establishments which have been the objects of Chinese direct attack, and in Chapter III of the Report these particular questions are examined, viz:-

1. The encircling policy directed against the South Manchuria Railway.

2. The embarrassments placed in the way of leasing land and of the exercise of other treaty rights.

3. The oppression exercised upon Japanese subjects, and especially on those of Korean origin.

4. The assassination of Captain Nakamura.

But the Report, neither in Chapter III nor anywhere else evinces any condemnation of the deliberate policy of violation and repudiation of treaties and other engagements pursued by China,--it even inclines to excuse them on the plea of the nationalist programme of emancipation. Nor does the Report touch on the impossibility, by reason of the hostile attitude of China, of arriving at any satisfactory solution of pending questions. It is to be regretted that the Report deals with those matters piecemeal and here again fails to co-ordinate them into one whole. If that had been done, it would have been apparent that one basic cause underlay them all, and that, whatever the precise rights or wrongs of each case, they were manifestations of a fixed intention to annihilate Japanese rights in Manchuria.

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That conclusion is more clearly apparent in the summary given in the report (pp 30-31) of the situation as it developed in Manchuria after the alliance of General Chang Hsueh-liang with the Government at Nanking.

"In the domain of foreign policy, the union of Manchuria with the Nationalist Government was to have more important consequences, although in this respect, the local authorities were also left much liberty of action. The persistent assaults of Chang Tso-lin on the position of the Chinese Eastern Railway in Manchuria, and his disregard of certain rights claimed by Japan, show that in Manchuria a "forward policy" had already been adopted before the union with the Nationalists. However, after the union, Manchuria was opened to well-organized and systematic Kuomintang propaganda. In its official party publications and numerous affiliated organs, it never ceased to insist on the primary importance of the recovery of lost sovereign rights, and abolition of unequal treaties, and the wickedness of imperialism. Such propaganda was bound to make a profound impression in Manchuria, where the reality of foreign interests, courts, police, guards or soldiers on Chinese soil, was apparent. Through the Nationalist school-books party propaganda entered the schools. Associations such as the Liaoning People's Foreign Policy Association made their appearance. They stimulated and intensified the nationalist sentiment and carried on an anti-Japanese agitation. Pressure was brought to bear on Chinese house-owners and landlords to raise the rents of Japanese and Korean tenants, or to refuse renewal of rent contracts. The Japanese reported to the Commission many cases of this nature. Korean settlers were subjected to systematic persecution. Various orders and instructions of an anti-Japanese nature were issued. Cases of friction accumulated, and dangerous tension developed. The Kuomintang Party headquarters in the provincial capitals were established in March, 1931, and subsequently branch organizations were set up in the other towns and districts. Party propagandists from China came North in increasing numbers. The Japanese complained that the anti-Japanese agitation was intensified every day. In April, 1931, a five days' conference under the auspices of the People's Foreign Policy Association was held at Mukden, with over three hundred delegates from various parts of Manchuria in attendance. The possibility of liquidating the Japanese position in Manchuria was discussed, the recovery of the South Manchuria Railway being included in the resolutions adopted. At the same time, the U.S.S.R. and her citizens suffered from similar tendencies, while the White Russians, although they had no sovereign rights or exceptional privileges to surrender, were subjected to humiliation and ill-treatment."

Unfortunately, this summary, which gives an adequate picture of the situation as it existed on the eve of 18 September, is only to be found in Chapter II of the Report, and nothing is said about it in connection with the account of the incident of that date (which is dealt with in Chapter IV).

In dealing with that crucial subject in Chapter IV, the Report evinces no appreciation of its connection with the long chain of Chinese attacks on Japanese interests. Neither the intensive boycott of Japanese goods, nor the denial of validity to Japanese treaties, nor the destructive competition with the Japanese railways, nor the obstructions put in the way of Korean immigrants, nor the Wanpaoshan affair, is referred to; and the case of Captain Nakamura is only incidentally touched upon. The whole background of the incident is cut adrift.

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All the evidence of an aggressive determination on the part of Chinese is discarded. It is replaced by a heterogeneous collection of reasons why the Japanese people may be supposed to have been prepared "for a resumption of 'positive policy'."

Surely an armed attack on a vital nerve of the nation's safety by the regular troops of an aggressive neighbour may be repelled without calling in such factors as Japanese trade depression to explain it. The result of dissociating the swift and complete repulse from the prior evidence of Chinese aggressive disposition is to put before the reader the domestic discontents in Japan, in place of Chinese aggressiveness, as the reason why the final attack on the railway was dealt with as it deserved. It is the reason why the Chinese adopted a "positive policy" in Manchuria that the Commission might well have investigated.

As early as 15 June, 1931, the Japanese Government were pointing out the serious results which would be liable to follow from the conduct of the officials and police in Manchuria, and so far from being impelled by trade depression or military and political discontents to initiate a "positive policy", they endeavoured by all means to lessen the tension. In spite of these efforts, the aggressive attitude of the Chinese continued unabated, and it is notable that when the "North Barracks" were entered by the Japanese troops, there was observed on the walls a placard exhorting the men in garrison to "Look at the railway running along the west side of these Barracks!" It is little wonder that at this very sport the explosion of 18 September was engineered by those very men.

This attitude of aggressiveness on the part of the Chinese, and not the resumption of a "positive policy" on the part of Japan, as is suggested in the Report, explains the state of tension which existed in Manchuria. Many other instances of the insolence and truculence prevailing in General Chang Hsueh-liang's army in Mukden are given in a pamphlet prepared by the Kwantung Army and laid before the Commission on 24 April, entitled "A Review on Sino-Japanese Clashes in Manchuria", to which their Report has not thought it necessary to allude. The paramount necessity of avoiding the smallest act which might explode the inflamable atmosphere must be apparent to everyone who has followed the march of events so far, and has realized the growing aggressiveness of the Chinese as detailed in the Report.

CHAPTER III

The Incident of 18 September and Subsequent Operations

The Japanese military authorities have furnished to the Commission both in writing and in conversations with the Headquarters Staff of the Kwantung Army, with a complete and detailed information regarding the various phases of this incident. This information is considered by the Japanese Government an accurate and truthful account, and they must sustain it in its integrity.

The Report sums up this information in six paragraphs entitled "The Japanese Version". (pp 67-69) From this summary, many not unimportant details are omitted: accordingly, Members of the Council, who wish for further information, are referred to the accounts supplied by the principal actors themselves and inserted in the documents presented by the Japanese Government.

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After summing up also the "Chinese version", the Report formulates certain conclusions which cannot but cause surprise, as they are not the logical consequence of the two versions which precede them, and appear, as the Report itself admits, to be especially unfluenced by information drawn from other and unofficial sources.

The Commission recognize (p.71) the fact of the explosion, but they add that the damage done was not of itself sufficient to justify military action. Here they fail to take into account two other factors, which they nevertheless admit to have existed, viz., the state of acute tension already existing between the conflicting military forces and the existence of an emergency plan of campaign which the Japanese army, like any other organized force, must necessarily prepare whenever it is stationed on or in the neighbourhood of foreign territory, particularly when repeated occurrences show that prompt measures may become imperative.

This state of acute tension, admitted by the Report to have existed, - general and growing tension between China and Japan and local tension between the military forces in close contact, - is, as has already been observed, insufficiently brought out in the Report.

As respects the assertion that the Japanese had "a carefully prepared plan to meet the case of possible hostilities between themselves and the Chinese" (p.71), it is only necessary to look for a moment at the facts, to be convinced that no other Power or its armed forces could possibly have acted otherwise.

The Japanese Army in Manchuria before 18 September, in view of its much inferior strength faced as it was by very superior forces provided with a vast supply of material including aeroplanes, reserve munitions and a great arsenal, naturally had to provide for the event of some occurence or a Chinese attack obliging it to take immediate steps to prevent itself from being overwhelmed by a more numerous adversary. That the Japanese Army had its plans for dealing with such a situation is undoubtedly the case and it would have been a gross dereliction of duty if it had not. Every possible combination had been minutely worked out; frequent manoeuvres helped to make the execution of the plan almost automatic. And although a certain amount of initiative had to be left to those who were on the spot in any given conjuncture, the main objectives in case of any attack were foreseen and well known. It was therefore perfectly natural that after the explosion on the railway line and the firing of the first shots, - all the work of Chinese soldiery - the plan was "put into operation with swiftness and precision." (p.71)

The Report draws a contrast between the preparation of this emergency plan, a most legitimate and necessary measure of security, and the absence on the Chinese side of any plan "of attacking the Japanese troops, or of endangering the lives or property of Japanese nationals at this particular time or place." (p.71) They rely, in

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support of this attitude, on a telegram supposed to have been sent on 6 September by General Chang Hsueh-liang, instructing the Chinese forces to exercise patience and avoid having recourse to force. Supposing - though the Japanese have no knowledge on the point - that such a telegram was in fact despatched, received and circulated, and further that these orders were not subsequently cancelled or modified by General Chang Hsueh-liang himself, the telegram in itself could not, in the notorious state of indiscipline of a Chinese army, give any guarantee that the Chinese would never have attacked the Japanese, nor could it furnish any decisive proof that they did not make the attack of the 18th of September. And it is to be remarked that in point of fact the Chinese troops did attack on that night and continued to resist by force of arms. The Commission's statement that "the Chinese made no concerted or authorized attack on the Japanese forces," shows that they do not discard the hypothesis of a Chinese attack, but would limit its bearing on the case by refusing to call it "concerted" or "authorized". According to the Report, the attack might be the work of soldiery acting on their own initiative and without orders from their superiors.

But in any event there remains the solid fact that the explosion did take place, and that an attack was launched by Chinese soldiers: in consequence, the Japanese emergency plan was automatically put in motion long before such questions as the extent of the damage could ever be discussed.

In dealing with the events of the night of 18 September, the Commission have thought it their duty further to add that "the military operations of the Japanese troops during this night. . . . . cannot be regarded as measures of legitimate self-defence." (p.71)

It is entirely impossible to accept this opinion, which must be a surprising one to anyone belonging to those countries which are parties to the Briand-Kellogg Treaty for the Outlawry of War.

The paragraph concerning the right of self-defence contained in the Identic Note of Mr. Kellogg, Secretary of State, dated 23 June, 1928, reads: -

> "(1) Self-defense. There is nothing in the American draft of an anti-war treaty which restricts or impairs in any way the right of self-defense. That right is inherent in every sovereign state and is implicit in every treaty. Every nation is free at all times and regardless of treaty provisions to defend its territory from attack or invasion and it alone is competent to decide whether circumstances require recourse to war in self-defense. . . ."

The Resolution adopted by the Senate of the United States at the time of ratification of that Treaty states: -

> "It is well understood that the exercise of the right of self-protection may, and frequently does, extend in its effect beyond the limits of the territorial jurisdiction of the state exercising it."

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The letters of Sir Austen Chamberlain to the American diplomatic representatives in London, dated 19 May and 18 July,1928, may also be cited.

The first observes: -

"4. After studying the wording of Article 1 of the United States draft, His Majesty's Government do not think that its terms exclude action which a state may be forced to take in self-defence. Mr. Kellogg has made it clear in the speech to which I have referred above that he regards the right of self-defence as inalienable, and His Majesty's Government are disposed to think that on this question no addition to the text is necessary. . . . . .

"10. The language of Article 1, as to the renunciation of war as an instrument of national policy, renders it desirable that I should remind Your Excellency that there are <u>certain regions of the world the welfare and integrity of which constitute a special and vital interest for our peace and safety. His Majesty's Government have been at pains to make it clear in the past that interference with these regions cannot be suffered. Their protection against attack is to the British Empire a measure of self-defence</u>. It must be clearly understood that His Majesty's Government in Great Britain accept the new treaty upon the distinct understanding that it does not prejudice their freedom of action in this respect. The Government of the United States have comparable interests any disregard of which by a foreign power they have declared that they would regard as an unfriendly act. His Majesty's Government believe, therefore, that in defining their position they are expressing the intention and meaning of the United States Government."

The Second says: -

"I am entirely in accord with the views expressed by Mr. Kellogg in his speech of the 28th April that <u>the proposed treaty does not restrict or impair in any way the right of self-defence</u>, as also with his opinion that <u>each state alone is competent to decide</u> when circumstances necessitate recourse to war for that purpose."

The French Government in their reply of 14 July, 1928, to the American Ambassador in Paris, similarly remarked: -

"Rien dans le nouveau Traite ne restreint ni ne compromet d'une facon quelconque le droit de defense personnelle. Chaque nation a cet egard reste toujours libre de defendre son territoire contre une attaque ou une invasion; <u>seule elle est competente pour decider</u> si les circonstances exigent de recourir a la querre pour sa propre defense."

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The German Government in their letter of 27 April, 1928, to the American Ambassador in Berlin, also declare that they start with the presumption that the proposed treaty "would not put in question the sovereign right of any state to defend itself."

The Japanese Government, informed of all these communications, also did not fail to emphasize in their note of 26 May, 1928, to the American Ambassador, that "the proposal of the United States is understood to contain nothing that would refuse to independent states the right of self-defense."

In the face of these express reserves, the right to pronounce a decisive opinion on an act of self-defence, falls solely within the sovereign appreciation of the interested state. And on this point the finding of the Commission explicitly is that "the Commission does not exclude the hypothesis that the officers on the spot may have thought they were acting in self-defence." (p.71) In the case of this incident of 18 September, no one except the officers on the spot could possibly be qualified to judge whether or not the action undertaken by the Japanese Army was a measureof self-defence.

It is unnecessary here to enlarge on the nature of the right of self-defence. It has never been better defined than by Mr. Daniel Webster when as Secretary of State of the American Republic, he laid down that it demanded for its just exercise a case of "necessity, instant and overwhelming, allowing no choice of means and no instant for deliberation." With those conditions the Incident of 18 September precisely complies. There was the necessity of meeting a great and imminent danger - an overt attack by members of a vastly superior force, capable, if not nipped in the bud, of driving the Japanese into the sea. There was no choice of means - what else was to be done? There was no instant for deliberation - the open attack was launched upon them. It is fortunately unnecessary to consider whether the magnitude of the interests at stake warranted forcible measures. For these interests were nothing less than the whole position of Japan in the Far East.

It is as impossible as it would be unjust to make Japan responsible for the further events which supervened on the Chinese resistance. Measures of self-protection usually meet no resistance and are at once settled by amicable discussion between the governments concerned. If, however, they are met by armed opposition, there is no knowing how far they may develop, and necessarily so.

It may not be inappropriate to recall the case of Navarino, where a conflict was so little desired or expected that one of the governments involved described it as an "untoward event." The Egyptian armament had come to assist the Turks to suppress the revolt in Greece; they were faced by a fleet of English, French and Russians, who were bent on preventing them from doing so. In that state of tension, a chance shot furnished the spark that produced

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the conflict. The result destroyed the Egyptian fleet and Turkish hopes, and set the seal on the independence of Greece. Yet it began in mere self-defence -- the return of fire. This illustrates how impossible it is to limit the consequences of self-defensive measures.

The Commission, while drawing attention to the synchronization of the operations which took place on 18 September throughout the entire extent of the South Manchuria Railway Zone, omit to notice the necessity for such simultaneous action. There was no other alternative for the Japanese Commander, with his 10,400 troop stationed all along an eleven-hundred kilometre line of railway, and faced by 220,000 Chinese troops (without reckoning 110,00 beyond the Great Wall also under General Chang Hsueh-liang's command) At Mukden itself, a single Japanese regiment of reduced strength together with a few railway patrols, 1,500 men in all, were faced by 15,000 Chinese with some forty guns; and a similar situation existed at Changchun and elsewhere. The Japanese Commander-in-Chief was in fact responsible for the protection of over a million Japanese subjects residing in Manchuria. In case of an attack at one point, and with the evident possibility before him of attacks at other points, the only possible way of assuring that protection was to use all the transport facilities that the railway afforded, and to take the Chinese troops by surprise before they could have time to move.

To sum up, the operations which commenced on the night of 18 September were only the putting into active execution of a plan prepared to meet the case of a Chinese attack, and whose prompt and accurate execution had always been considered by the Commander-in-Chief as absolutely essential for the fulfilment of the task of protection which was incumbent on him, in view of the great local superiority of the Chinese. These operations had no relation to anything but self-defence, and the Japanese Government cannot allow either their necessity or their appropriateness to be the subject of dispute.

The Report relates at considerable length the ensuing operations undertaken subsequently to 18 September with a view to effectively ensuring the safety of Japanese life and property. The Japanese Government will not here enter into the numerous points of detail on which observations would have to be made. They are conscious of never having transgressed the due limits of the right of self-defence.

CHAPTER IV
THE NEW STATE

The questions regarding Manchuria considered in Chapter VI of the Report are of first-rate importance, since it is on the conclusions formulated in this Chapter respecting the establishment of Manchoukuo, and the attitude of its inhabitants towards the new Government, that the Commission base their general finding in Chapter IX to the effect that "the maintenance and recognition of the present regime in Manchuria would be equally unsatisfactory."

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The conclusion in question appears to have been reached with little reference to proved facts. It is certainly hard, in the course of a brief sojourn, to ascertain the true state of affairs in the case of a new state, only a few weeks old. Such a state is naturally subject to infantile ailments - to all the hostile activities of dissident and discontented elements - to the difficulties necessarily incident to a period of transition, particularly inimical to business and agriculture - and, in an especial measure in the case of Manchoukuo, to an intensely hostile and unscrupulous propaganda.

It is nevertheless regrettable that the Report, declining to accept the solemn declarations of the Japanese Government and attaching too little value to the detailed documents presented by them, have, alike in Manchuria and in Peipang, the stronghold of General Chang Hsueh-liang, apparently listened to the opinions of the unidentified persons, and given credence to letters and communications of doubtful or unknown origin.

Accordingly, the Japanese Government think it their especial duty to enable the Council of the League of Nations to acquire a more correct idea of the matters which form the subject-matter of Chapter VI; viz., the establishment of Manchoukuo, the views of its inhabitants and the organization and prospects of the new State.

A. ESTABLISHMENT OF MANCHOUKUO.

The Report concludes, in the first place, that nothing was ever heard of the independence of Manchuria before September, 1931 (p. 97)

It has been clearly explained above, however, that Manchuria has always constituted a special territory, geographically and historically distinct from China Proper. It constituted a separate crown domain; there was no power in the Republic or its officers to annex it to China Proper, and its independence was at least twice proclaimed by Chang Tso-lin, as the Report itself acknowledges. The oppressive misgovernment of that ruler, and still more, that of his son, General Chang Hsueh-liang, are notorious and are also admitted by the Report. At the expense of Manchuria, their ambition and greed induced them to embark on costly and disastrous invasions of China, and it is matter of history that this led very long ago to the cry of "Manchuria for the Manchurians," embodied in the movement known as "Paoching Anmin" (Preserve the frontiers and give us peace). From such a movement to complete independence, in name as well as in fact, was a very small step. The existence of this movement is no supposititious figment; its leaders are perfectly well known; they were Mr. Wang Yung-chiang (Provincial Governor of Fengtien under Chang Tso-lin) and Mr. Yu Chung-han, one of Chang's counsellors. Both had to resign and give way to Chang's grandiose schemes. It was this Yu who subsequent to the Incident of 18 September became the organizer of the Self-Government Guiding Board mentioned later. In this he was not yielding to Japanese solicitations; he was merely carrying on his interrupted work. His case is typical.

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The point need not be elaborated by citing the other independence movements of different shades which arose in the time of the Changs. But a certain surprise may be avowed that the Report avers that the idea of independence did not exist.

The misgovernment and extortions of Chang Tso-lin and General Chang Hsueh-liang had long driven the educated Chinese and Manchus to consider the necessity of reforms. Dr. Chao Hsin-po, President of the Lawyers Association of Mukden, broached the subject to Chang Tso-lin, but he had refused to listen to him. At the Fengyung University, in Mukden, a group of professors also took up the study of the political reforms rendered necessary in order to counteract the militarist policy of General Chang Hsueh-liang, and Dr. Chao was in touch with this group.

There was in existence, therefore, at a period prior to September 1931, a movement based on Manchurian independence, and here the Commission appear to have entirely left out of sight all the information supplied then, particularly in the course of conversation in Manchuria with the leading personages in the new Government.

So much for the assertion that Manchurian independence had never been heard of. We now come to the mode of the definite establishment of the independent State of Manchoukuo and the attitude of the Japanese toward it. Here the Report is very far from being in accordance with the facts.

The Report says that the movement to proclaim the independent State of Manchuria was inaugurated, organized and carried through by the Japanese as a solution for the situation which had arisen as a consequence of the events of 18 September, utilizing for this purpose the names and active co-operation of certain Chinese personages; that the activities of the Japanese Headquarters Staff were marked, from 18 September onwards, by political motives; and that the General Staff in Tokio lent the independence movement their assistance and gave directions to its organizers.

But a little thought will show how unfounded is this assumption.

When the authorities who under General Chang Hsueh-liang were responsible for the maintenance of order in Manchuria disappeared, as they mainly did after the events of 18 September, some organization was evidently necessary in order to carry on the normal machinery of daily life; local vigilance committees were formed by the local leaders, and the Japanese Army welcomed their cooperation and assisted them. An army is bound to do as little damage to an occupied territory as possible, and the preservation of the means of civilized life was one of the first cares of the Japanese Army and was accomplished in this way. That these nuclei of government eventually coalesced and developed into a genuine state is no matter for astonishment and offers no occasion for invoking an imaginary Japanese stimulus. The country had been wretchedly governed and was only superior to China in this, - that it had one master and was not ravaged by the conflicts of half a dozen. It is no

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wonder that its new administrators decided to be free of the Chang regime. To anyone acquainted with the actual conditions which prevailed in Manchuria before and after the 18th of September, 1931, it will be readily apparent that the widespread determination to get rid of the Chang administration was one which was easily capable of developing into a movement for the proclamation of complete independence. And in this connection, it should also be remembered that another movement - that for the Restoration of the Manchu Dynasty - is as old as the Republic of China, and has been connected throughout in a large degree with Manchuria, once the cradle of that Dynasty and later its own crown domain. The "independence movement," as it actually developed, can have caused no surprise to anyone with an intimate knowledge of these circumstances. And the supposition that it was wholly (p. 97, line 25), or partially (p. 97 line 33), the work of unidentified Japanese or of the Japanese General Staff must then be discarded.

According to the statements of the Report itself, all these movements in favour of local, provincial and state independence were the work of personages of high standing who were all Chinese, Manchus or Mongols. At Mukden, it was Dr. Chao Hsin-po, President of the Lawyers Association, Mr. Yuan Chin-kai, a former Vice-President of the North Eastern Political Committee under General Chang Hsueh-liang, Mr. Yu Chung-han, Vice-President of the Committee of Peace and Order, General Tsang Shih-yi, Governor of the Province of Fengtien. At Kirin, it was General Hsi Hsia, Acting President of the Provincial Government; at Harbin, it was General Chang Chin-hsi, Administrator of that Special District. And the persons who worked at the preparation of plans of the establishment of the new State were two Chinese, Mr. Yu Chang-han and General Tsang Shih-yi. The detailed organization of the state was framed, and the Declaration of Independence drawn up, by the principal men of Fengtien, Kirin, Heilungkiang, Jehol and the Special District, and by various Mongolian bannermen who assembled at Mukden. And Chinese, Manchus and Mongols alone comprised the North-Eastern Administrative Council, which formed the germ of the new State.

The evident inconsistency between the facts and the conclusions of the Commission becomes a sheer contradiction if we consider the dates. The Committee for the Preservation of Order in the region of Fengtien was established on 24 September and already on the 26th it was issuing declarations which contemplated the independence of that province and of the Three Eastern Provinces. On 26 September General Hsi Hsia declared the independence of the Province of Kirin. At Harbin, on 27 September, there was established a Committee for the Preservation of Order. On 1 October, General Chang Hai-peng proclaimed his independence at Taonan. On 17 October General Yu Chi-shan, the Commander of the Liaoning Army of Defence, also declared his independence, demanding the foundation of a Manchu-Mongol state with the ex-Emperor as its ruler. Can it be supposed that between 18 September and these various independence movements, Japanese officials can have met together, concerted and agreed upon a programme of initiating independence, and secured its

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being at once put in execution by Chinese, Manchus and Mongols as their own? It is more simple and more reasonable to conclude that the aspirations which were already floating in the minds of many of the leading Chinese and Manchu inhabitants spontaneously and naturally found a sphere of action hitherto denied them, upon the disappearance of an administration which presented so many objectionable features.

There can be no doubt that the idea of proclaiming independence, which had also a certain affinity with the idea of restoring the Manchu Dynasty, had its origin, therefore, entirely among the Chinese, Manchus and Mongols. For instance, Mr. Chang Yin-ching (Manchoukuo Minister of Industry, Commerce and Agriculture, a son of Chang Chih-tung, the renowned scholar statesman under th Manchu regime) and Mr. Hsieh Chieh-shih, the present Foreign Mini ter of Manchoukuo, were both prominent figures in the movement, particularly in the Restoration movement of the Manchu Dynasty. General Hsi Hsia, a Manchu and a noted monarchist, at present the Manchoukuo Minister of Finance, was also a leading member of the same group. Japanese officials were certainly cognizant of the c tency of these ideas; but whatever sympathy may have been felt fo such projects by individuals, neither the Japanese Government nor the Headquarters Staff on the spot gave them any encouragement.

It is proper, in this connection, to point out the fact tha both Baron Shidehara, Minister for Foreign Affairs, and General Minami, Minister of War, issued on the 26th of September instruc-tions to the Japanese officials in Manchuria, strictly forbidding participation by Japanese in the various attempts to establish a new political authority in Manchuria.

Conformably with these instructions the Japanese, civil as well as military, uniformly abstained from interference. When th movement had become a definite one, the Headquarters of the Kwan-tung Army could evidently not ignore it, and when its leaders had matured and explained their plans, the movement was in a situatio to command respect from the ultimately responsible for the prese vation of order, as a development calculated to remove all disqu ing elements by the definite establishment of a new regime.

As for the "Self-Government Guiding Board," to which the Re port appears to attach some importance, this was not created unt 10 November, and was under the management of a Chinese. Yet the Report turns it into an organ of the Fourth Department of the Kw tung Army Headquarters, "organized and in large part officered b Japanese." (p. 92) This is a mere repetition of the allegations in the Chinese Memorandum, corroborated, according to the Report by "reliable" witnesses, who are left unidentified, and it is co pletely at variance with the facts. There has always been at the Kwantung Army Headquarters a department for the study of politic developments in Manchuria, and after 18 September, 1931, when th independence movements began to show themselves, this department in the fulfilment of its functions, had certainly to collect all the information that could be gathered concerning them. But this

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department of the Headquarters had no connection whatever with the "Self-Government Guiding Board" organized under the management of Mr. Yu Chung-han, for the purpose of co-ordinating the action of the various committees for the preservation of peace, or for independence, which had already been constituted in the Province of Fengtien since the beginning of October. Dr. Chao Hsin-po recounted to the commission how the association of which he is President set to work, immediately after 18 September, to form an Independence Committee, which sent delegates to the various provincial districts to ascertain the opinions of the leading personages regarding the establishment of a new government.

Finally the Report makes the point that such a movement in favour of a change of government could not have been carried through But for the presence of the Japanese troops. But the Japanese troops were there in the exercise of their just rights. They were stationed in the railway zone in virtue of a right derived from treaty, and they moved out of the zone in the exercise of the right of self-defence. If the independence movement took advantage of the conditions thus created, that altered in no wise the spontaneity of the movement. There are many instances in other Continents where the presence of foreign forces has afforded the possibility of attaining independence, and where that independence has never been questioned.

It may be urged that the Nine Power Treaty of 1922 prevents the Signatory Powers from impairing the sovereignty of China. That is true, but irrelevant. If in the due fulfilment of its lawful rights, a Signatory Power finds herself in Chinese territory, she cannot be held responsible for the consequences. If these consequences impair Chinese sovereignty and integrity, it is not she who is to blame. Even supposing, therefore, that Manchuria under General Chang Hsueh-liang was really an integral part of China, still Japan cannot be answerable for the consequences of her proper and necessary action. If China really were an organized state, exercising an integrity of administration in Manchuria, this would still be true.

In short, to deny that the present regime is to be regarded as the outcome of a natural and spontaneous movement is to admit that all the evidence presented by Manchoukuo has been disregarded. The "Histoire de l'Independance du Mandchoukouo" prepared by the Manchurian Government and presented to the Commission, contains an account of the successive demonstrations in favour of independence which took place in the various districts throughout the country. Here, we have precision and open declarations; names are given; the text of declarations and resolutions is reproduced. Commercial, industrial, agricultural, educational groups, sometimes numbering thousands of adherents, were represented at those demonstrations. For the Constituent Assembly, delegates were appointed in each district, in the accustomed fashion, by the accord of the four leading local associations, so that the General Assembly which on 29 February, 1932, proclaimed at Mukden the establishment of the new State was fully representative of every interest. And

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It is singular that the Report, in sketching a practical system by which to ascertain the state of popular opinion on the conduct of a Manchurian Government suggests this very same traditional system of representations of the Chambers of Commerce, the Trade Guil and other civil agencies. (p.134)

In fine, the conclusions of the Commission in this section of Chapter VI run counter to the historic elements which underly the new regime, to the psychological and material causes which hav called forth the surge of latent sentiments, and to all the facts which go to prove the spontaneous character of the independence movement among the people of Manchuria, which has had for its result the foundation of the new State.

The Japanese Government repeat, without fear of contradiction, that the movement for the proclamation of the independence of Manchuria was a genuine, spontaneous, popular and natural one. The old crown domain installed the descendant of its ancient chiefs as its ruler, to secure it alike from the oppressions of its quondam militarist tyrants and from the anarchy of China Proper. Why this eminently rational and natural step should be ascribed to the machinations of Japan, it is hard to imagine. The assertions that the chief agency in bringing about independence was an organ of the Kwantung Army Headquarters (p.92); that a group of Japanese officials conceived, organized and carried through this movement (p.97), and that the activities of Japanese officials were a "most effective" factor in the creation of Manchoukuo (ibid are assertions destitute of foundation, contrary to the express assurance of this Government, and entirely unsupported by evidence. In putting them forward, the Report appears simply to have adopted wholesale the allegations of the Chinese Assessor.

B. ATTITUDE OF THE INHABITANTS TOWARDS MANCHOUKUO.

The Commission have had placed at their disposal as material upon which to form their opinions -

1. Petitions and declarations emanating from qualified bodies composed of persons of various races (Chinese, Manchus, Mongols, Japanese, Koreans, Russians) representing chambers of commerce, political organizations, agricultural and educational organizations, etc.

2. Letters and other written communications to the number o 1550, transmitted by post or otherwise, and apparently coming fror Chinese.

3. Private conversations with businessmen, bankers, professors, physicians, police officers and others.

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A striking feature of this part of the Report is the great credit accorded to the letters of unknown Chinese, all but two of which are said to be unfavourable to Manchoukuo and Japan - and the little weight ascribed to official memoranda and to the petitions and declarations of responsible bodies, which enumerate the grievances which the population had against the late administration and which give voice to its aspirations and its hopes.

The Commission have received 1548 letters objecting to the foundation of the new State. Considering the vigour and activity of Chinese propaganda, it is really astonishing that they received no more. There are some 30,000,000 people in Manchuria, and if one in twenty thousand only was moved to communicate his desires to the Commission, the fact is rather a tribute to the credit of Manchoukuo than otherwise. On the other hand, the positive evidence afforded by gatherings of thousands of people in favour of Manchoukuo, supported by the testimony of responsible delegations and leading citizens, is simply dismissed as generally due to the machinations of the Japanese. It is surely intelligible that a people who had admittedly been systematically "squeezed", oppressed and defrauded by their rulers would not need the stimulus of Japanese threats and bribes to induce them to accept and approve a government which at least offered them a chance of security for the produce of their labour. Certainly the attitude of the farmers and workmen cannot be collected from the opinions of "foreigners and educated Chinese". (p. 109)

As to the other classes of the population (officials, police, soldiers, business men, bankers, etc.), the Report not only carefully takes note of anyone who is hostile, but discredits those who support Manchoukuo as being actuated by self-interest or by fear, and as moved by no patriotic ideals.

Lastly, the Report, insisting on the antagonism of the Chinese to Manchoukuo, tries to explain away the adhesion freely given to the new State by the Koreans, the Russians and the Mongols. The Report admits the welcome given by the Koreans to the new regime, but it cannot bring itself to do so ungrudgingly. It wonders how long the welcome will last. As for the Mongols, while recognizing their generally favourable attitude, the Report gives undue emphasis to one anti-Manchoukuo declaration made by a deputation of Mongol princes at Peiping under the aegis of General Chang Hsueh-liang.

The truth is fortunately more encouraging than the unfavourable picture drawn in the Report. It is needless to recall once more the many great popular demonstrations which immediately preceded the establishment of the new State, described as they are in detail in the document "Histoire de l'Independance du Mandchoukouo." Nor need there be enumerated here the signal marks of acceptance which, in spite of the efforts of the enemies of Manchoukuo, the population has continuously accorded to the new regime. It is a civil government, the first of this character that the people of the country have known since the Manchu Dynasty was overthrown, and this civil character stands out conspicuously in comparison with any of the autocratic militarist governments which at present bear rule in China.

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C. ORGANIZATION AND PROSPECTS OF MANCHOUKUO

The Report, after describing in Chapter VI the organization of Manchoukuo, its programme, and the various measures it has taken to affirm its independence from China, observes that: -

"The programme of this 'Government' contains a number of liberal reforms, the application of which would be desirable not only in Manchuria but also in the rest of China; in fact, many of these reforms figure equally in the programme of the Chinese Government. In their interviews with the Commission, the representatives of this 'Government' claimed that, with the help of the Japanese, they would be able to establish peace and order within a reasonable time and would thereafter be able to maintain it permanently. They expressed the belief that they would be able to secure the support of the people in time by assuring them an honest and efficient administration, security from bandit raids, lower taxation as the result of reduced military expenditure, currency reform, improved communications and popular political representation." (pp.105-106)

But from this promising material the Report only concludes that "after making every allowance for the short time which has hitherto been at the disposal of the 'Manchoukuo Government' for carrying out its policy, and after paying due regard to the steps already taken, there is no indication that this "Government" will, in fact, be able to carry out many of its reforms. To mention but one example, there seem to be serious obstacles in the way of the realization of their budgetary and currency reforms." (p.106)

The comments of the Commission on Manchoukuo above quoted present a curious contrast with certain comments offered in Chapter I, where we read: -

"The present Government has tried to balance its current receipts and expenditures and to adhere to sound financial principles. Various taxes have been consolidated and simplified. In default of a proper budgetary system, an annual statement has been issued by the Ministry of Finance. A Central Bank has been established. A National Financial Committee has been appointed, which includes among its members influential representatives of banking and commercial interests. The Ministry of Finance is also trying to supervise the finances of the provinces, where the methods of raising taxes are often still highly unsatisfactory. For all these new measures the Government is entitled to credit. . . . In many things, no doubt, the Government has failed, but it has already accomplished much." (pp.17-18)

It will be noted that while China is given credit for having accomplished much, in view of the various measures which are enumerated by the Commission, but which in fact have mostly failed to bring about any actual results, judgement on Manchoukuo is pronounced from Ebal and not from Gerizim.

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The Japanese Government are not disposed to discuss the ground of the pessimistic opinion advanced by the Commission, because facts are more eloquent than words. However, the attention of the Council is called to two important points; namely, the steps for the restoration of peace and order, in which the Japanese Army is co-operating with the Government of Manchoukuo, and the financial condition of that Government.

That in a newly founded state peace and order should be disturbed by reactionaries and malcontents is a common phenomenon in all parts of the world. In the case of Manchoukuo, there is further to be observed the special circumstance that vast forces, enlisted in regular armies under the old regime, were upon the fall of that regime turned adrift to become hordes of bandits. The Government of Manchoukuo in their programme for the restoration of peace and order consider the first stage to be the destruction or [illegible] dispersal of the major groups formed by these bandits; the second stage being the subjugation of the less important remnants, and of the smaller native bands of brigands, through the police system now in process of complete establishment, as well as by other administrative measures. At the same time they are improving the existing means of communication in order to facilitate the work of restoring order. It should be stated that much progress has been made in the accomplishment of the work of the first stage above indicated since the time when the Commission were in Manchuria. The forces under the command of General Ma Chan-shan, by far the most formidable foe to the new State, have been destroyed. Those under General Li Hai-ching have been beaten. Those under Generals Ting Chao and Li Tu have been driven into the remote regions north of the Eastern Section of the Chinese Eastern Railway. The strong brigand bands which infested an area between the Mukden-Hailung Railway and the River Yalu and constituted the principal source of danger in South Manchuria, have been annihilated by the joint forces of Japan and Manchoukuo. Other major groups in South Manchuria are being driven into remote places along the border between Mukden and Jehol. Generally speaking, the present situation throughout Manchuria, North and South, is such as to make it possible for the Government of Manchoukuo to embark upon the second, or police, part of their programme.

Regarding the present condition of banditry in Manchuria, the significant fact should not be forgotten that all these soldier-bandits are receiving support from China Proper. It is sufficient to point to the public collection of funds for the assistance of the Manchurian bandits, which is conducted in various Chinese cities, without adverting to the many cases in which such support is secretly given.

It should also be noted that of late in proportion to the lessening of that menace to peace and order which arises from the activities of major groups of bandits, the operations of the numerous minor bands have come more and more to display the character of political tactics. For the instance, the recent activities of bandits and kidnappers in Manchuria have mainly been directed against foreigners, thus casting discredit upon the newly established nation. This is believed to be a deliberate attempt on the part of the anti-Manchoukuo element in China to make present conditions ap-

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pear worse than before.

[illegible], the Japanese Government, whilst anticipating that the complete restoration of peace and order in Manchuria will require some considerable time, as indeed it would anywhere in similar circumstances, are content to repeat the expression of their confident belief, quoted in the Report, that the presence of the Japanese troops in the country will enable the principal bandit units to be wiped out within from two to three years: and they adopt as their own the words in which the Commission describe their attitude: -

"They hope that the organization of 'Manchoukuo' police and of self-defence corps in each community will help to put an end to banditry. Many of the present bandits are believed to have been peaceful citizens who on account of the complete loss of their property were induced to take up their present occupation. Given the opportunity of resuming the occupation of farming, it is hoped they will return to their former peaceful mode of life." (p.83)

As regards the financial condition of Manchoukuo, the Council can easily see how unfounded is the gloomy view contained in the Report by referring to the following information supplied by the Government of Manchoukuo.

From the foundation of the State on 1 March, 1932, to 30 June of the same year (the first year of Tatung) the income and expenditure of the Central Government are as follows: -

Income: (Income from taxes and from the Salt Gabelle) 9,300,000 yuan.
Paid out: 9,100,000 yuan.

This indicates a far better financial status than existed at the time of the visit of the Commission of Enquiry.

Subsequently, Manchoukuo has taken over the Maritime Customs (in June) and has abolished the finance offices of the various provinces (in July), thus proceeding rapidly with its task of centralizing and strengthening the financial structure. As a result of these measures, its budget for the first year of Tatung (from 1 July, 1932, to 30 June, 1933) is based upon the following estimate:

Annual income: 101,000,000 yuan
Annual expenditure: 113,000,000 yuan

This indicates a very satisfactory condition. (Incidentally the military expenditure in this budget totals 33,000,000 yuan, i.e., about one third of the 100,000,000 yuan expended in 1930; and while the budget shows a deficit of 12,000,000 yuan, it must be noted that the budget allows for an emergency reserve fund of 15,000,000 yuan).

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The Central Bank of Manchoukuo, founded with a capital of 30,000,000 yuan, took over from provincial banks of the old regime 142,000,000 yuan in notes in circulation against which it has a specie reserve of 82,000,000 yuan and a guarantee fund of 60,000,000 yuan. It opened for business on 1 July.

In this connection it is interesting to observe that the Bank of Japan opened for business in 1882 with a silver capital of ¥ 10,000,000 and successfully unified all the paper currency issued by various national banks; and that the capital of the Manchoukuo Central Bank is sufficient if one takes into due consideration the economic status, the trade conditions and the pupulation of Manchuria.

The Manchoukuo Government, respecting the independence of the bank, are taking every precaution not to interfere with the functions of the institution as a note-issuing bank, and therefore it may safely be said that to declare that the basis of the Central Bank and Manchurian currency is unstable is a flagrant error. As a point of fact, the Central Bank, since its establishment four months ago, has maintained its paper currency at par, and has stabilized the currency, the circulation of which is very normal. It may be remarked that this shows a signal contrast to the actual state of things under the Chang Dynasty.

Manchuria, having an excess of exports, receives a large amount of silver from abroad. Therefore, there is no doubt that Manchoukuo will be able to maintain the value of its currency.

The Japanese Government desire, further, to give emphatic expression to their opinion formed upon mature consideration regarding the future prospects of the country.

Manchoukuo has before it a brilliant future. With a great extent of territory and large population, it has the advantage of possessing natural frontiers. Its Government have spontaneously declared that they intend to respect all international engagements made by China, so far as they are applicable to Manchuria, and that they will faithfully observe the principles of the Open Door and Equal Opportunity. They entertain no anti-foreign sentiments. There is no communist peril, such as exists in China. Manchoukuo is still in its infancy, but would it not have been an act of straightforward justice on the part of the Commission, who have shown themselves, in spite of all discouragements, so sympathetic towards China, to exhibit some degree of patience with a state scarcely six months old?

In so far as the Report's observations concern the Japanese Government, they would prefer not to dwell upon the purely gratuitous suppositions contained in the Report, to the effect that all political and administrative power in Manchoukuo is in the hands of Japanese officials and advisers. The Report indeed notes the occasional divergence of opinion between these officials and the Tokio Government, but it states that the Japanese officials possess

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all the means of exerting irresistible pressure on the Manchoukuo Government. This, it remarks, flows from the fact of military occupation and through the dependence of Manchoukuo on the Japanese troops for the maintenance of its sovereignty and independence.

These allegations can certainly not command the attention of the League of Nations. There are, and there have been, numerous states, universally acknowledged to be independent, which employ the services of many officials of one or more foreign nationalities, and others which have foreign troops stationed within their territory. The Members of the League of Nations have only recently admitted that the presence of such foreign troops is no obstacle to the admission of a state as a Member of that Society.

Finally, the Report emphasizes (p.106) the difficulty that was experienced by the Commission in defining the relations between Japan and Manchoukuo. That difficulty has now disappeared through the signature of the Protocol of 15 September, 1932, which reads: -

"Whereas Japan has recognized the fact that Manchoukuo, in accordance with the free will of its inhabitants, has organized and established itself as an independent State; and

"Whereas Manchoukuo has declared its intention of abiding by all international engagements entered into by China in so far as they are applicable to Manchoukuo;

"Now the Governments of Japan and Manchoukuo have, for the purpose of establishing a perpetual relationship of good neighbourhood between Japan and Manchoukuo, each respecting the territorial rights of the other, and also in order to secure the peace of the Far East, agreed as follows: -

1. Manchoukuo shall confirm and respect, in so far as no agreement to the contrary shall be made between Japan and Manchoukuo in the future, all rights and interests possessed by Japan or her subjects within the territory of Manchoukuo by virtue of the Sino-Japanese treaties, agreements or other arrangements or of Sino-Japanese contracts, private as well as public:

2. Japan and Manchoukuo, recognizing that any threat to the territory or to the peace and order of either of the High Contracting Parties constitutes at the same time a threat to the safety and existence of the other, agree to co-operate in the maintenance of their national security; it being understood that such Japanese forces as may be necessary for this purpose shall be stationed in Manchoukuo."

It is scarcely necessary to point out that nothing in this Protocol, nor in the acts of Japan in co-operating with the new Government thus established, is inconsistent with any of the public engagements of this country. By the Nine Power Treaty of Washington, she joined in an undertaking to respect the sovereignty and the territorial and administrative integrity of China. That undertaking was never intended to exempt China from the usual accidents

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of state life, and to deprive the people of China of the right of self-determination and of securing themselves a sound and acceptable government. It is an inevitable corollary from this that the signatories cannot be disabled from recognizing such a fait accompl as required by the necessities of international intercourse. In th same way, the 10th Article of the Covenant of the League of Nations is an engagement to respect and preserve the territorial integrity of Members of the League Aas against external aggression." If by internal developments the territorial integrity of a Member is impaired, there is nothing in the Covenant to interfere with the right and duty of Members to recognize that impairment. To hold otherwise would be to deny the basis on which many European and most American States subsist.

CHAPTER V.
CONCLUSIONS

In the observations advanced above, the Japanese Government have set forth the following positions:

1. That China has, since the Revolution of 1911, fallen into a condition of confusion bordering upon anarchy, and remains in the same condition at the present moment; that so long as such a state of affairs persists, China may properly be considered as in a condition of national disintegration, and that at least under present circumstances it is entirely impossible to tell when China may come to have a strong and permanent central government, even if we grant the ultimate possibility of that event.

2. That, because of the fact that such a state of affairs prevails in China, foreign lives and property cannot be afforded adequate protection, and that especially in recent years the situation has been aggravated as a result of the intensification of internal conflict and the operation of the so-called "revolutionary" foreign policy of the Kuomintang directed against foreign Powers.

3. That consequently foreign Powers have continued to exercise exceptional powers and privileges in China of a character now without parallel elsewhere in the world, such as extraterritorial jurisdiction, settlements and concessions, the maintenance of garrisons and the permanent stationing of warships in inland waters.

4. That while all foreign Powers having interests in China have suffered from the anarchical condition and anti-foreign policy of China, Japan has suffered by far the most severely.

5. That Japan stands in the most intimate relation, geographically and historically, to Manchuria; that she possesses in that region important treaty rights besides vast economic interests, while great numbers of her people are settled there; that, moreover, the question of her own national security makes Japan vitally interested in Manchuria both from a political and a strategic point of view: - in fine, that Japan's position in Manchuria is an altogether exceptional and special one, unparalleled in other parts of the world.

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6. That of late years the former Manchurian authorities resorted to various intrigues with a view to undermining this special position, and that after the rapprochement of General Chang Hsueh-liang with the National Government the encroachments of the Manchurian authorities upon the rights and interests of Japan became increasingly frequent and flagrant, despite Japan's earnest efforts to ameliorate the situation, producing an alarming state of tension.

7. That it was in this strained atmosphere that the events of 18 September occurred; that none of the measures taken by the Japanese Army at the time of that incident, or subsequently, exceeded the limits of the right of self-defence; and that Japan must on any impartial consideration be pronounced to have done precisely what any other Power would have done in similar circumstances

8. That Manchuria has always occupied a separate position, historically as well as geographically, in relation to China Proper, and that its inhabitants bitterly resented the tyrannous rule of the Changs, and opposed the latter's policy which dragged Manchuria into the civil turmoil of China Proper; - that from this geographic and historical circumstance, coupled with the popular opposition to the Chang family, there sprang the movement known as "Preserve the frontiers and give us peace"; - that the foundation of Manchoukuo was accomplished by the spontaneous action of the Manchurians with this movement, coupled with the Manchu Restoration Movement, as its main-spring; - that Manchoukuo is making steady progress guided by sound policy, and has a highly promising future before it; - and finally, that the attitude of Japan towards the establishment of Manchoukuo and her eventual formal recognition of that State do not violate any international engagement whatever.

In order therefore to understand correctly the questions at issue, it is necessary to bear constantly in mind these positions. First, that the abnormal conditions of China are such as can scarcely qualify her to be a modern organized state, and that because of this abnormal condition other Powers have, in order to protect their own interests by themselves, retained extraordinary powers and privileges which operate as limitations on Chinese sovereignty, and have been accustomed, whenever those rights were threatened or injured, to make use of these extraordinary powers. Second, that this aspect of the foreign relations of China Proper becomes more pronounced in the case of Manchuria as far as Japan is concerned, because of her special position there and the special position which Manchuria itself occupies in relation to China Proper. The fact must be thrown into relief that the Chinese problem, and especially the Manchurian problem, are characterized by exceptional complexity and by abnormal features, which are to be found nowhere else. Consequently, in handling the quite abnormal problem it is difficult to apply the formulae commonly employed in dealing with international questions under ordinary circumstances, nor can the procedure employed in handling such an abnormal question or any solution that may eventually be reached thereon establish precedents for ordinary cases of international dispute. With regard to this point the Report contains a significant passage at the beginning of Chapter IX: -

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"It must be apparent to every reader of the preceding chapters that the issues involved in this conflict are not as simple as they are often represented to be. They are, on the contrary, exceedingly complicated, and only an intimate knowledge of all the facts, as well as of their historical background should entitle anyone to express a definite opinion upon them. This is not a case in which one country has declared war on another country without previously exhausting the opportunities for conciliation provided in the Covenant of the League of Nations. Neither is it a simple case of the violation of the frontier of one country by the armed forces of a neighbouring country, because in Manchuria there are many features without an exact parallel in other parts of the world." (p.126)

The above are put forward as the fundamental views of the Japanese Government with regard to the Chinese problem, and particularly the Manchurian problem. A few observations may not be offered, on the basis of these fundamental views, on some of the points advanced in Chapters IX and X of the Report.

One paragraph in Chapter IX reads: -

"It must be clear from everything that we have already said that a mere restoration of the status quo ante would be no solution. Since the present conflict arose out of the conditions prevailing before last September, to restore these conditions would merely be to invite a repetition of the trouble. It would be to treat the whole question theoretically and to leave out of account the realities of the situation." (p.127)

The statement has the unreserved concurrence of this Government. But they cannot agree with the opinion recorded in the same Chapter to the effect that the maintenance and recognition of the present regime in Manchuria would be an equally unsatisfactory course to adopt. In fact, even if all the passages in the Report bearing on the point were accepted for the sake of argument, it is impossible to admit that such an opinion can be arrived at as a necessary deduction. The Japanese Government's view has already been stated that a solution based upon the maintenance and recognition of Manchoukuo would in no way be in contravention of the fundamental principles of international obligation. It has further been stated that such a solution would satisfy the aspirations of the Manchurians. Moreover, the expectation may be confidently entertained that the Chinese people themselves will ultimately come to realize that such a solution alone can stabilize relations between Japan and China and ensure peace in the Orient. At any rate, it can never be supposed that the dissolution of the new State, which has been set up and is making rapid and healthy progress, can really be a course adapted to "existing realities". It is the belief of the Japanese Government that in view of the necessity of handling and regulating these matters in accordance with the realities of the situation, it cannot be a commendable policy to ignore the impressive fact of the existence of Manchoukuo, or to leave that State devoid of international intercourse.

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Japan, because of the important and special position which she occupies in Manchuria, cannot afford to leave the country and her relations with it in a state of instability and uncertainty. For the above stated reasons Japan considers the general recognition of Manchoukuo and international co-operation for the purpose of fostering its healthy development, as the only solution which is adapted to existing circumstances and which will stabilize conditions in Manchuria and bring peace to the Far East. It is believed that any other country placed in Japan's position would have come to the same conclusion and would have followed the same course. It was for this reason that the Japanese Government signed the Protocol of 15 September which is based upon the above essential conditions and defines clearly the relations between the two countries. A foundation has thereby been laid down in an amicable manner for the protection of Japanese rights and interests in Manchuria, for the preservation of the territorial integrity of Manchoukuo, and for the assurance of Manchurian safety against external and internal menaces; in this way contributing in no small degree to the securities for the maintenance of peace in the Far East.

Upon this point a passage, occurring at the beginning of Chapter X of the Report, may be regarded as pertinent.

"It is with this object that, whilst bearing in mind the principles of the League of Nations, the spirit and letter of the Treaties concerning China and the general interests of peace, we have not overlooked existing realities, and have taken account of the administrative machinery existing and in process of evolution in the Three Eastern Provinces. It would be the function of the Council, in the paramount interests of world peace, whatever may be the eventuality, to decide how the suggestions made in our Report may be extended and applied to events which are still developing from day to day, always with the object of securing a durable understanding between China and Japan by utilizing all the sound forces, whether in ideals or persons, whether in thought or action, which are at present fermenting in Manchuria." (p. 132)

The council of the League of Nations, in studying the Report with due regard to the view of the Commission expressed in this passage, must necessarily desire to acquire a full comprehension of, and satisfactory information regarding, the course of events as it developes from day to day, which will be found to exhibit continued confusion in China Proper and steady progress on the part of Manchoukuo. In this connection the Japanese Government are at all times prepared to furnish the Council with any further information at their disposal, so that, in accordance with what was said in the introduction to these observations, the Members of the Council may have a thorough acquaintance with every aspect of the complex situation.

As regards certain suggestions contained in Chapter X of the Report, that Chapter opens with a statement that "it is not the function of the Commission to submit directly to the Governments of China and Japan recommendations for the solution of the present

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dispute" (p.132), which is a right and proper observation in view of the Commission's terms of reference. The Report itself brings out the point clearly that these suggestions are merely intended as an illustration of one way in which the various principles contained in Chapter IX might be carried into practical effect. Moreover, the Commission themselves show the tentative and contingent nature of these suggestions, in adding the following observations:-

"Even if the formal recognition of 'Manchukuo' by Japan should take place before our Report is considered in Geneva - an eventuality which we cannot ignore - we do not think that our work will have been rendered valueless. We believe that, in any case, the Council would find that our Report contains suggestions which would be helpful for its decisions or for its recommendations to the two great Powers concerned, with the object of satisfying their vital interests in Manchuria." (p.132)
In other words, the Commission recognized, by the vague terms in which they attached some continuing importance to their suggestions in such an event, that a certain amount of doubt would be cast upon the utility of these suggestions in case the recognition of Manchoukuo by Japan should have taken place. It would, therefore, seem unnecessary to enter into detailed discussions of these suggestions. In order further to elucidate the position, however, the following brief remarks on certain features of these suggestions may be ventured.

a) As we shall see, Principle 10 of Chapter IX would be liable to result in an international control of China Proper. In the same way, the still more important suggestions contained in Chapter X would amount in practice to a disguised international control of Manchuria, which is certain to be rejected by Manchoukuo Nor from the stand-point of Japan can these suggestions be regarded as acceptable.

b) These suggestions appear moreover to be of too refined and intricate a nature. They might prove suitable, if applied to Europe and America, but would not prove adaptable to the realities of the Far East as they at present exist. Such a plan as is advanced by the Commission calls for the minimum requirement that the disputant parties shall each possess a strong and reliable central government. To attempt to apply these suggestions to the solution of the Manchurian question, which is one of unprecedented complexity, and one in which one Party does not possess a strong and reliable central government, is to make confusion worse confounded.

c) The Japanese Government cannot persuade themselves that the suggestion of demilitarizing Manchuria, maintaining peace and order there by a special international gendarmerie alone, would adapt itself to the realities of the situation. It is questionable whether even in Europe, peace and order could possibly be adequately maintained throughout a territory so vast as Manchuria by such a system. It could never meet the desires of the Manchurians, and would be a source of great anxiety to the Japanese Government as it would foment unrest and disturbances in that region, which is exactly what Japan desires above everything to avoid. Thus the

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...gestion is extremely unsatisfactory in that it would make matters worse than the restoration of the status quo ante, which is rejected by the Commission themselves.

So much for the concrete suggestions. We now come to a little more abstract matter, viz., the principles for the solution of the dispute on which these tentative suggestions are based. The Commission took pains to define in Chapter IX "the general principles to which any satisfactory solution would conform," and it was in supposed conformity with these principles, that the plan of settlement in Chapter X was elaborated. Certain of these principles to which the Japanese Government have no fundamental objection, have already found concrete application in the Protocol signed by Japan and Manchoukuo. But, in any view of the matter, it must evidently be impossible, so long as the anarchical state of things in China persists, to arrive at a satisfactory solution of the questions at issue on the basis of the first nine of these principles, especially Principles 4-9 inclusive. As is sustained in Principle 10, these nine principles cannot be practically applied "without a strong central government in China." In order to help a strong central government to come into being in China, international cooperation in the task of internal reconstruction is certainly desirable. Any international co-operation (apart from technical assistance), for that purpose is, however, a remote contingency and extremely difficult to attain, unless indeed such co-operation were to take the form of an international control of China. Moreover, even granting that such an international co-operation were possible, there would be no assurance that in that way a strong central government would forthwith be brought into being. Japan cannot idly wait for such an uncertain eventuality in order to solve the Manchurian question.

Such being the case, any scheme that might tend to destroy that peace and order which is now in process of restoration will inevitably usher in a new era of disputes and difficulties. Would it not then be better statesmanship to work at least for the stabilization of conditions in Manchuria? Should not the world, which has manifested so much patience and sympathy regarding the reconstruction of China throughout these past twenty years, come to entertain sentiments of understanding and hope concerning the new State of Manchoukuo? When the Manchurian question shall have once been settled, the settlement of the far greater question of China itself will be materially simplified. It can hardly be the subject of doubt that the advent of peace and a good and efficient administration in Manchuria will set an example which it would be well for China to follow, and will exert a favourable influence upon her attitude and divert her domestic and foreign policies into sane and moderate channels, not only bringing happiness to the Chinese people, but allowing other nations to share the resultant benefits.

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「リットン」報告書ニ對スル帝國政府意見書

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緒論

日本政府ハ國際聯盟ニ依リ任命セラレタル調査委員會ノ提出セル報告書ニ對シ、該文書ノ重要性ニ鑑ミ、極メテ愼重ナル檢討ヲ加ヘタリ。

日本政府ハ終始調査委員會ニ對シテ各般ノ情報ヲ供給シ其ノ調査ヲ容易ナラシムルコトニ全力ヲ注キタル次第ナルカ、調査委員等カ常ニシテ新規ナル多數ノ問題ヲ包含スル極微且複雜ナル事態ニ付テ其ノ詳細ヲ知ルヲ切望セリ

日本政府ハ委員會ヲ援助センコトヲ切望セリ

訪問期間短キニ過ク

只委員會ノ任務タル極メテ困難ニシテ、而モ與ヘラレタル時日ノ甚タ短カリシニ鑑ミ、報告書中隨所ニ脫漏、予盾及誤解ヲ認ムルハ蓋シ已ムヲ得サル所ナルヘシ。事態ニ對スル十分ナル智識ヲ獲得スルニハ一ヶ年ト雖モ長シトセス、然ルニ一行ハ滿洲ニ備カ六週間ヲ、又北平及南京ノ零圍氣中ニ數週間ヲ過シタルニ止マルヲ以テ、勢ヒ委員ニ比シ支那語及支那ノ實狀ニ通曉セ

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ル人々ノ供給スル情報乃至其ノ抱懐スル見解ニ倚頼スルノ外ナク、從テ其ノ受ケタル印象ハ頗ル皮相ナルヲ免レス。委員カ今少シク長時日ヲ有シ且支那ノ他ノ部分特ニ南支ヲモ訪問シタラン二ハ、支那ノ事態ニ關シ其ノ表示セル樂觀ハ著シク變更セラレタルナルヘシ。

妨ニハ經濟ナル點ノ意見ヲ述ヘントス

日本政府ハ報告書中其ノ不當ナリト認ムル凡テノ點ヲ指摘セントスルモノニ非ス、又末節ノ事項ニ關シ拘泥扶ケムトスルモノモ非ス。報告書ハ全體トシテハ殊ニ其ノ敍述的部分ニ於テ事件ノ描寫トシテ其ノ價値ヲ認ムルヲ得ヘシト雖モ後日改メテ意見ヲ提出スルノ權利ハ放棄スルモノニ非サルモ、玆ニハ差當リ事實ノ眞相ヲ明カニスル目的ヲ以テ最モ重要ナル點ニ關シ若干ノ意見ヲ提示スルニ止メントス。

證據ノ取捨充分ナラス

日本政府ハ是等意見ヲ提出スルニ當リ、委員會カ誠心誠意ヲ以テ報告書ヲ作成セルコトニ對シ敢テ疑念ヲ挾マムトスルモノニ非サルハ勿論ナルモ、同時ニ例ヘハ日本政府提出ニ係ル資料等

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ノ如キ出所確實ナル各種ノ情報カ看過又ハ無視セラレ、之ニ反シ出所不明ノ疑ハシキ情報ニ對シ不當ノ信用與ヘラレタルノ嫌アルコトヲ痛感スルモノナリ。

委員會カ兩當時間ニ正式ニ交換セラレタル書類ノ外、新聞記事、個々入手シタル私信竝ニ委員及其ノ專門委員等カ何等特別ノ資格ヲ有セサル個人ト爲シタル私的談話等ニ其ノ斷定ノ基礎ヲ置キタルノ事實ハ報告書面ニモ明カニシテ、右ハ日本政府ノ默過シ得サル所ナリ。而シテ此ノ種出所ノ不明且不確實ナル資料カ常ニ日本ノ主張ニ對スル支那ノ主張ヲ支持スル爲ニ利用セラレ居ルコトハ注意ニ値ス。日本政府ハ各個ノ場合ニ付斯ル資料ノ出所ヲ確メテ之ヲ反駁スルノ方法ナカリシヲ以テ、是等ノ資料ニ對シ如何ナル程度ノ信用カ與ヘラルヘキヤヲ明カニスル爲更ニ調査ヲ爲スノ權利ヲ留保セサルヲ得ス。

此ノ種ノ疑ハシキ又ハ價値ナキ證據ヲ認容セルコトハ九月十八日事件及滿洲國成立ニ關スル部分ニ於テ特ニ顯著ナリ。其ノ結

特ニ九月十八日事件及新國家ニ關シ然リ

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果ハ前者ノ場合ニ於テハ日本軍行動ノ動機ニ對スル完全ナル誤解トナリ、後者ノ場合ニ於テハ滿洲將來ノ統治ニ關シ報告書ノ他ノ部分ノ趣旨トモ一致セス又現實ノ事態トモ一致セサル提案トナレリ。

今後極東平和確保ノ方法ヲ討究スルニ當リ、國際聯盟トシテハ支那及滿洲ニ於ケル實情全般ニ付、報告書ノ作成後ニ起レル事件ヲモ併セ考慮スルニ力メサルヘカラス。日本政府カ本意見書ヲ作成セルハ、卿五ノ右努力ニ對シ及フ限リノ援助ヲ供シ、聯盟各國ヲシテ現實ノ事態ヲ凡ユル關係ニ於テ明瞭ニ理解セシメンカ爲ニ外ナラス。

事態全般ヲ考慮セサルヘカラス

日本ハ支那國民ニ對シ敵意ヲ有スルモノニ非ス

本意見書中自カラ支那人ノ行爲ニ對シ批判ヲ加ヘタル部アルモ報告書中ニ開ケ滯在スルカ如キ日本ハ支那國民ニ對シ反感又ハ敵意ヲ有スト云フ觀念ハ之ヲ否定セサルヘカラス。日本政府ハ支那國民カ甚シク誤レル指導ト惡政治トノ爲メ事トナリ、日外部ニ對シ多大ノ誤解ヲ與ヘ居ルモ、彼等ノ欲スル所ハ平和及辭穩

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ノ極ニ其ノ勢ノ成果ヲ享受セムトスルニ外ナラサルコトヲ信
マルモノナリ。日本ハ年來ノ友誼的態度ヲ維持シ、日支兩國民
間ニ提携ヲ進メ、以テ終局ニ善隣ノ實ヲ擧クルノ時期ノ到來ス
ルヲ待ツニアルナリ。

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支那ハ組織アル國家ニ非ス

委員會ハ「支那ハ組織アル國家ニ非ス」（一七頁）「支那ハ完全ナル混沌且意想外ノ無政府狀態ニ在リ」（一七頁）ト云フカ如キ敍述ヲ除外トスルモノノ如シ。即チ委員會ハ、華府會議當時北京及廣東ニ完全ニ分離セル二個ノ政府存立シ、匪賊跳梁シテ屢々内地ノ交通ヲ妨害シ、而シテ數ケ月後中央政府ヲ顚覆シ滿洲ニ第三ノ獨立政府ヲ樹立セシムルニ至レル内亂ノ氣運濃厚ナリシコトヲ述ヘ、要スルニ支那ニ於ケル一若干ノ省又ハ數ノ一部ヲ事實上自治狀ニ在リタルノ勿論。少クトモ獨立ヲ主張セル三個ノ政府存在セルニハ拘ラス、諮府會議參加國ハ支那ニ對シ前記ノ敍述トハ全ク異ナリタル態度ヲ執リタル旨ヲ指摘シ居レリ（一七頁）

諮府會議當時ノ事態ハ決シテ滿足ナルモノニハ非サリシモ、當時ニ於ケル備ニ三個ノ主要勢力ノ對抗ヲ見タルノミ。然ルニ今日ニ於テハ支那ハ全ク支離滅裂ノ狀態ニ在リ。外蒙古及西藏ハ殆ト完全ニ離脫シ、南京國民政府ハ各地方ノ權力者殊ニ廣東ニ

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於ケル南方派ノ服従ヲ獲チ得サルノミナラス、現ニ湖北、福建及江西ノ諸省ニ中心ヲ有スル共匪ノ大集團ノ脅威ヲ受ケ居ル狀況ナリ。

是等煽力者ノ多クハ何レモ自ラ首長トナリ支那ヲ統一セムコトヲ夢想シ居ルヤモ知レサルモ、此ノ故ヲ以テ報告書ノ動モスレハ否定セムトスルカ如ク支那ヲ以テ統一セリト爲スコトヲ得ス。

其ノ後ノ情勢ハ諮府會議ノ假定ヲ裏切レリ

諮府會議當時ニ於テハ支那カ速カニ統一平和ヲ恢復スヘシトノ希望ヲ懷クコト不可能ニハ非サリシモ、其ノ後ノ情勢ハ右希望ヲ裏切レリ。其ノ不統一及無政府狀態ハ益々悪化ノ度ヲ加ヘタリ。諸將領ノ闘爭ハ支那ノ政治機構中ニ深リ込マレ、共產主義ハ國土ノ中樞ニ深ク喰入リ、内爭ノ習慣ハ全般ニ浸潤シ亂土病化スルニ至レリ。諮府會議當時ニ比シ事態カ改善セリト爲スハ道理ヲ眼ヲ閉チムトスルハ素ヨリ論フヘキノミ。

例ヲ認識シ得サリシニ基クモノトス。

日本政府ハ報告書第一ヰ所述ノ支那ノ現狀ニ關スル判斷中正當

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ニシテ有力ナルモノ勘ナカラサルヲ認ム。

即チ排害毒ハ第一三頁ニ於テ「政治的擾亂、内亂、社會的及經濟的不安定並ニ其ノ結果タル中央政府ノ恭敬ハ一九一一年ノ革命以來支那ノ特徴ト爲リタリ。是等ノ狀態ハ支那ト接觸シ來レル一切ノ國家ニ不利ナル影響ヲ及ホシ來レルモノニシテ、區救セラルルニ至ル迄ハ常ニ世界平和ニ對スル脅威タルヘク、又世界經濟不況ヲ助成スル一原因タルヘシ」トナシ、

第一四頁ニ於テ、日支兩國カ當面シタル外國文明ノ同化及之ニ基ク國内改革ニ關スル問題ヲ論シ、支那ノ「領土ノ廣大ナルコト、支那國民ニ國家ノ統一ノ缺如セルコト、及徴收セラレタル收入ノ全部カ中央國庫ニ到達セサル傳統的財政組織」ニ基ク支那ノ特殊ノ狀態ヲ強調シ、「支那ノ外國人ヲ受入ルルコトニ關スル嫌惡及支那在住外國人ニ對スル支那ノ態度ハ當然重大ナル結果ヲ生ムヘキモノナリシ」コト、及「右ハ其ノ爲政者ノ注意ヲ外國人ノ勢力ニ對スル反抗及其ノ制限ニ集中セシメタル」

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コトヲ記載シ、「其ノ結果トシテ支那ヲシテ新シキ結狀態ニ處シ得シムル爲ニ必要ナル建設的改革ハ殆ト全ク頓ミラレサリシ」コトヲ附記シ、

第一六頁ニ於テ、一九一四年乃至二八年「支那ハ各軍閥間ノ戰爭ニ依リ荒廢セラレ、常時ニ存在スル匪賊ハ蜂蔟セル農夫、飢饉ニ喘ハレタル諸地方ノ絶望セル住民及給料不渡リノ兵士等ヲ編入シタ爲正ノ軍隊トナヲ所ナキニ至レリ。南方ニ於テ戰ヒツツアリシ立憲主義ノ人士サヘモ幾度トナク彼等自身ノ中ニ發生スル軍閥間ノ確執ノ爲國ニ喚サレタル」事實ヲ回想シ、

第一六頁！一七頁ニ於テ、一九二七年南京ニ政府ノ樹立セラルヤ國民黨ハ「今ヤ其ノ政治的及經濟的再建ノ計畫ヲ實行スルノ用意成リタルモ、內部ノ不和、私的軍隊ヲ有スル諸將軍ノ定期的叛亂及共產主義ノ發成ノ爲ニ實行シ得サリキ。實際ニ於テ中央政府ハ幾度トナク夫レ自體ノ生存ノ爲ニ戰フコト必要ナリ」旨ヲ記載シ、

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最後ニ第一七頁ニ於テ「外見上統一ハ當時保留セラレタリ。然レトモ有力ナル軍閥カ相互ニ連合シ南京ニ向ヒ進軍セル場合ニハ統一ノ外觀スラモ保持スルコト不可能ナリキ。是等軍閥ハ未タ曾テ目的ヲ達セサリシモ彼等ハ戰敗ノ後ニ於テモ輕視シ得サル潜勢力タリキ。加フルニ彼等ハ決シテ中央政府ニ對スル戰爭ハ叛逆行爲ナリトノ解釋ヲ採ラサリキ。彼等ノ眼ヨリ見レハ是等ノ戰爭ハ單ニ彼等ノ黨派ト偶々國都ニ在在シ諸外國ニ依リ中央政府トシテ承認セラレタル他ノ黨派トノ間ノ爭覇戰ニ過キサリキ」ト述ヘ、「右既述的敍述ヨリ見ルニ支那ノ崩壞的諸勢力ハ今猶優勢ナルモノノ如シ」トノ結論ニ達シ居レリ（一七頁）

以上ノ敍述ハ全然正當ナルカ、右敍述ハ同一章ニ表示セラレタル樂觀的見解、例ヘハ第一七頁ノ「現在ニ於テハ中央政府ノ權威ハ尚若干ノ省ニ於テ微弱ナリト雖モ中央ノ權力ハ少クトモ公然トハ否認セラルルコトナシ」トノ斷定ト如何ニシテ之ヲ調和シ得ヘキヤ。

中央政府ノ權力ハ否認セラレサリシトノ主張ト前記記述トハ調和セス

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最近ノ事態

諸將領間ノ戰鬪ヵ容易ニ終熄スルニ至ラサルハ報告書作成後ノ最近ノ事實ニ徴スルモ明瞭ニシテ、北方ニ於テハ國民政府ノ命令ニモ拘ラス劉珍年及韓復榘ハ九月中旬以來敵對行爲ヲ繼續シ居リ、南方ニ於テハ例ヘハ湖南省政府主席ノ椅子ヲ廻ツテ相反スル氣閥及黨派ノ間ニ抗爭勃發セリ。西方ニ於テハ西藏軍隊ハ西康及青海ヲ占領シ、又四川省ニ於テハ劉文輝、劉湘ノ間ニ軍事行動起リツツアリ。蔣介石將軍カ是等諸將ニ對シ斯ル行爲ハ統一缺如ノ印象ヲ外間ニ與フヘシトヲ急ニ切ニ其ノ注意ヲ喚起セルニモ拘ラス敵對行爲ハ依然續行セラレタリ。

報告書ハ又支那ニ於ケル共產主義ハ單ニ「ソヴイエト」聯邦以外ノ多數ノ國ニ於ケルカ如ク現存ノ政黨員ニ依リテ支持セラルル政治上ノ主義ニモ非ス、又他ノ政黨ト權力ヲ爭フ特別ノ黨組織ニモ非ス、「支那ニ於ケル共產主義ハ國民政府ニ對スル現實ノ爭鬪者トナレリ、支那共產主義ハ其レ自體ノ決徃、軍隊及政府並ニ領土ニモ比スヘキ其ノ行動地域ヲ有ス。是等ノ事態ニ關

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シテハ他ノ如何ナル點ニ於テモ其ノ類ヲ見サル」コト（二三頁ヲ即白ニ記述シ居レリ。

一九二二年蔣介石ノ支那ヲ支配シツツアルコトハ報告書モ正ニ認メ居レリ。之以來ノ政府會議以上所謂「崩壊力」ニ付概說スル所ヲリタルカ、右崩壞力カ絕狀態惡化エス支那ヲ支配シツツアルコトハ報告書モ正ニ認メ居レリ。之ニ依リテ見ルモ公平ナル檢討ノ結果ハ、蔣介石ノ政府會議以來「事實ニ於テ相當ノ進歩カ遂ケラレタリ」トスル報告書第一七頁ノ意見トハ反對ニ、支那ノ狀況カ事實上更ニ一層惡化シ居ル事ヲ明示スルモノナルコト、日本政府ノ信シテ疑ハサル所ナリ。

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ロ、支那ニ於ケル排外運動

（排外宣傳及ボイコットハ分離シテ考慮スヘキモノニ非ス）

這般ノ不幸ナル日支間ノ衝突ヲ誘發セル如キ雰圍気ノ醸成上前記ノ無政府及混乱狀態ニ勝ルモ劣ラサル役割ヲ演シタルハ、支那ニ於ケル排外思想ノ幾多強烈ナル表現ナリトス。

報告書モ亦左ノ如ク断定シ居レリ。

支那ハ、華府會議ニ於テ爲サレタル通、其ノ困難ヲ解決スル爲ノ國際的協調ノ道程ニ上リタルヲ以テ、若シ右道程ニ從ヒ進ミタルニ於テハ、爾後ノ十年間ニ於テ更ニ顯著ナル進歩ヲ遂ケ得タルナルヘシ。然ルニ支那ハ其ノ夥々シキ排外宣傳ノ遂行ニヨリ妨害セラレタリ。右宣傳ハ特ニ二方面ニ於テ執物ニ實行セラレ、其ノ結果現在ノ紛爭ヲ惹起セル雰圍気ノ醸成ヲ誘導セリ。

即チ經濟的「ボイコット」ノ利用及諸學校ニ對スル排外宣傳ノ注入之ナリ（一八頁）

如斯事態悪化ニ與ッテ力アリタルハ排外宣傳（特ニ學校ニ於ケ

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ル）及「ボイコット」ナルカ、不幸ニシテ報告書ハ兩者ヲ分離シテ取扱ヒ居レリ。最近ニ於ケル支那ノ實情ヲ了解シ、特ニ日支間ノ緊張ヲ招來シ遂ニ一九三一年九月十八日ノ事件ヲ誘發シタル特殊ノ原因ヲ了解センカ爲ニハ右兩者ヲ相關聯シテ考察スルコトニ特ニ意ヲ用ヒサルヘカラス。

學校ニ於ケル宣傳

國民政府ハ弱キ排外感情ニ充タサレ、青少年ノ腦裡ニ激シキ外國人憎惡ノ念ヲ吹込ムコトニ之努メ來レリ。五千萬ノ支那青年カ激烈ナル思想ノ影響ノ下ニ成長シツツアルノ事實ハ、近キ將來ニ對スル寒心スヘキ問題ナリ。而シテ南京政府ハ此ノ警戒スヘキ道程ノ促進ニ專心シツツアルモノナリ。

報告書ニ曰ク

孫逸仙博士ノ思想ハ恰モ從來古典ノ有シタル權威ヲ持ツカ如キモノトシテ今ヤ諸學校ニ於テ敎授セラレ、孫總理ノ遺訓ハ革命前ニ於テ孔子ノ敎訓カ受ケタルト同樣ノ尊敬ヲ受ケツツ

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然レトモ不幸ニシテ青少年ノ教育ニ當リ、注意ハ國民主義ノ建設的方面ニ對スルヨリモ寧ロ否定的方面ニ注カレタリ。諸學校ノ教科書ヲ執筆スル者ハ、其ノ著者カ愛國心ヲ燃スル愉悪ノ情ヲ以テシ、男性的精神ノ養成ヲ被害ノ意識ノ上ニ置クコトニ努メタリトノ印象ヲ得。此ノ結果トシテ、學校ニ於テ椎付ケラレ且社會生活ノ凡ラユル方面ヲ通シテ實行セラレタル毒々シキ排外宣傳ハ學生ヲ驅リテ政治運動ニ參加セシムルコトト爲リ、時ニハ國務大臣其ノ他ノ官憲ノ身體、居住又ハ官署ノ侵害乃至政府ノ顚覆ヲ計ルカ如キ事實ニ至ラシメタリ（一九頁）。

「ボイコット」

報告書ハ支那ノ「ボイコット」カ支那ノ日本ニ對スル敵意ノ明確ナル表現ニシテ同時ニ日本ノ經濟的利益ニ對スル侵害ナルコト、從テ「ボイコット」カ心理的竝ニ物質的ニ日支間ノ友好關係ニ害アルコトヲ認メ居レル處、是等ノ見解ハ日本政府カ終始一貫主張シ來レル所ヲ確認スルモノナリ。

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然レトモ支那ノ「ボイコット」ノ特質及「ボイコット」ニ對スル責任問題ニ關シ左ニ若干說述セムト欲ス。

近年ニ於テハ支那ノ「ボイコット」ハ特殊ノ性質ヲ帶ヒ來リ、曩ニ外國カ其ノ在支居留民ノ生命財產保護ノ爲執レル合法的措置ニ對スル抗議ノ手段トシテノミナラス、外國ヲシテ其ノ條約上ノ權利ヲ抛棄セシメムトスル國策遂行ノ手段トシテモ使用セラルルニ至レリ。

「ボイコット」ニ對スル政府ノ責任問題ニ付テハ報告書ハ國民ニ其ノ責任アルコトニ關シテハ「何等ノ異點ナシ」ト述ヘ居レリ。右ハ正ニ肯綮ニ當レルカ、一方國民カ西洋ノ觀念ニ於ケル單ナル政府ニハ非スシテ、支那約法ニ基ク正規ノ國家機關ナルコトヲ明却スヘカラス。從テ國民ノ行爲ニ對シテハ國民政府ニ於テ責任ヲ負フヘキモノナルコト明カナリ。

「ボイコット」ニ對スル責任

雖外教育及「ボイコット」運動ノ實行ヲ別々ニ敍述スルノミニテハ、如何ニ煩細ニ亙ルモ支那ノ現狀ヲ充分ニ了解セシムルニ

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足ラス。宜シク問題ノ全局ヲ相関的ニ敍述シテ、右等排外的活動ノ根底ニハ國民黨及國民政府ノ排外政策ノ存在スルコトヲ明カナラシムルヲ要ス。然ルニ報告書ハ此ノ關係ヲ明ス。玆ニ注目スヘキハ、華府會議後數年ニシテ、國民黨及國民政府カ支那ニ於テ重要ナル役割ヲ演スルニ至リタル事實ナルヘ、彼等ハ權力ヲ掌握シテ以來所謂「革命政策」ナルモノヲ執拗ニ遂行シ來レル次第ニシテ、右政策ハ支那ニ於ケル無法律狀態ト相俟ツテ甚タシク外國ヲ脅威セシメ、諸權利ノ還付ヲ益々喫緊セシメタルカ、現在ニ於テハ是等諸權利ハ支那ニ於ケル外國人ノ生命財產ニ對スル唯一ノ保障タルニ至レリ。

此ノ點ニ關シ報告書自身モ「國民黨ノ勢力ハ一切ノ外部的勢力ニ益々反感ヲ懷カントスル異常ナル色彩ヲ支那ノ國民主義ニ注入シ來リ、、、、國民主義ハ租借地、鐵道地域內ニ於テ外國ノ手ニ依リ行使セラルル行政的及其ノ他ノ純粹ニ商業的ナラザル諸權利、租界ニ於ケル行政權、故ニ外國人カ支那ノ法律、法

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当局ノ為迫的声明

延及課税ニ服従セザルコトヲ意味スル治外法権等ノ返還ヲ要求スル」（一八頁）ト述ヘ、又「支那ハ例外的権力及特権ハ其ノ国民的発展及主権ヲ侵害スルモノナリト感スルカ故ニ是等ノ特権ヲ直ニ撤廃スルコトヲ要求ス」（二三頁）ト述ヘ居レリ。

委員会ニシテ更ニ研究ヲ進メタランニハ、右ハ単ナル「要求」ニ止ラスシテ、支那官憲カ一方的宣言及暴力ニ依リテ的迄モ実現セシメント決意シ居タルコトヲ明カニシタルナルヘシ。

国民党ハ必要ノ場合ニハ相手国ノ態度ヲ無視シテモ「不平等」条約ヲ一方的ニ廃棄セントスル決意ヲ以テ外国ノ有スル権利ヲ廃除スルコトヲ其ノ基本的外交政策トシテ屢々声明セリ。一九二六年蒋介石ハ国民革命成功ノ暁ニハ支那ノ一切ノ「不平等」条約ヲ即時又ハ一方的ニ廃棄スヘキ旨ヲ宣言セリ。一九二七年一月漢口及九江ノ英国租界ハ国民党ニ依リ強力ヲ以テ奪回セラレタリ。同年四月南京政府成立後国民党ノ行動ハ或ハ緩和セラレタルモノアリタルヘキモ、其ノ政策ハ依然トシテ変化ナク、

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「不平等」條約ノ廢棄及外國ノ權益排除ノ意圖ヲ反覆宣言シ、又一般民衆ニ對シ右政策ノ實行ヲ再三誓約セリ。而シテ右誓約ニ基キ國民政府ハ一九二九年十二月二十八日附ニテ一九三〇年一月一日ヨリ治外法權ヲ廢棄スヘキ旨規定セル法律ヲ公布シ、而ニ一九三一年一月ニ及ヒ同年二月末日迄ニ治外法權問題ノ滿足ナル解決ニ到達シ得サルニ於テハ、外交手段以外ノ方法ニ依リ治外法權撤廢ノ斷定政策ヲ遂行スヘキ旨宣言シ、同時ニ「在華外國人管理條例」ヲ發布シ、斯クシテ一方的ニ條約ヲ廢棄スルノ意圖ヲ公然表明シ、右事實ヲ列國ニ通報セリ。

日本ハ最大ノ被害者ナリ

依之觀在支外國人ノ生命及福利カ九月十八日事件前重大ナル危險ニ面シ居タルコト明白ナルヘク、而シテ「日本ハ支那ノ最モ近接セル隣國ニシテ且最大顧客ナルヲ以テ本章ニ於テ記述セラレタル無法律狀態ニ依リ他ノ何レノ國ヨリモ損害ヲ受ケタル」(二三頁)コトハ辯告書ニモ記述セラレタル通ナリ。

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外国ノ執レル無則的ナル自衛方法

ハ、支那ニ於ケル外国人ノ無則的ナル地位

支那国内ノ根底ニ横ハレル同国ノ内部的不統一、其ノ結果外国人ノ生命財産カ不断ニ脅威セラレ居ル不安状態、学校ニ於ケル排外心ノ注入及青年ニ対スル排外宣伝、外国人ニ対スル徹底セル「ボイコット」手段、條約ノ一方的厳守其ノ他「革命外交」ノ原因ニ由来スル凡ユル手段ハ、相俟ッテ聖国ナル統一政府無キ支那ニ於生スル各種問題ニ対シ全然特殊ナル性質ヲ與ヘ、通例ノ處理方法ノ適用ヲ不可能ナラシムル。

而シテ斯クノ如キ排外的特徴ハ世界ノ何處ニモ類例無キ所ニシテ、其ノ結果列国ヲシテ自力ニ依リ其ノ権益ヲ保護スルノ制度ヲ維持スルノ餘儀無キニ至ラシメタリ。即チ列国ハ支那ニ於テ治外法權ヲ有シ、又租借地ノ外天津、漢口、上海其ノ他ノ都市ニ於テ租界ヲ維持シ、自ラ警察及行政ヲ施行シ居レリ。斯クシテ支那ノ無法律状態ヨリ生スル悪影響ヲ妨止スル爲必要ナル措置ヲ講シ居ル一方、列国ハ又武力ニ依リ其ノ権利ヲ保護スルノ

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已ムナキ實情ニ在リ。現ニ滿洲ニ於ケル日本鐵道守備隊ノ外、平津地方ニハ一九〇一年以來日英米佛伊各國軍隊駐屯シ、其ノ兵數ハ九月十八日事件直前ニ於テ日本軍約九百、其ノ他約四千七百ヲ算セリ。是等軍隊ハ凡テ條約ノ規定ニ基キ駐屯シ居ルモノナリ。是等列國ノ多クハ又條約ニ基カス單ニ自衞ノ必要上上海ニモ軍隊ヲ駐屯セシメ居レルカ、右ハ一九二二年華府會議後新ニ發生セル事態ニシテ、同會議以後事態ノ更ニ惡化セルコトヲ示スモノナリ。加之列國ハ上海及青島ノ如キ海港ノミナラス、揚子江及白河ノ如キ內水上ニモ多數ノ軍艦ヲ配置シ居レリ。而モ右ハ開ケル港ニ非スシテ縣ケル港ニシテ縣ケル軍隊及艦船ハ屢々現實ノ自衞ノ爲ニ使用セラレタリ。

實例

一九二五年ノ沙面ニ於ケル外國軍隊ノ發砲事件、一九二六年ノ萬縣砲擊事件、及一九二七年ノ南京砲擊事件ノ如キ著例ノ外ニ揚子江航行中ノ外國艦カ沿岸ノ支那軍ヨリ擅ニ發砲セラレ之ニ反擊スルノ已ムヲ得サリシ幾多ノ事例アリ。而シテ右支那軍

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ノ攻略ハ近年就中国民党ノ権力掌握以來殊ニ增加シ來レリ。

斯ノ如ク支那ニ於ケル列国ノ地位ハ全ク例外的ノモノニシテ、世界ノ何レノ部分ニモ類例ナキモノナルコト明白ナルヘシ。從テ国際慣例及自衛権行使ノ態様ハ支那ニ於テハ他ノ文明國ニ於テ見サルカ如キ特質ヲ有ス。現ニ報告書自ラモ第二三頁ニ於テ「支那ノ国民的要望ノ實現ハ内政ノ分野ニ於テ近代的政府ノ機能ヲ發揮スル能力ノ如何ニ懸ルモノナリ。而シテ是等兩者ノ間ニ存カ除去セラレサル限リ国際的衝突及事件ノ發生ノ危險、「ボイコット」並ニ武力干渉ハ絶滅セラルヘシ」ト述ヘ居レリ。

国際裁判又ハ仲裁裁判ニ訴フル等所謂「平和機關」ヲ適用スルカ如キハ支那ノ場合ニ於テハ到底困難ニシテ、假令死活的利益ニ關セサル紛爭ニ付テモ是等機關ヲ利用スルコトノ不可能ナリシコト既ニ過去ニ於テ經驗セラレタル所ナリ。支那ノ如ク則チ前記ノ如ク則且特異ナル制度ノ狀態及列国カ右狀態ノ存在ニ依リ

報告書ハ支那カ近代的政府ノ機能ヲ遂行セサルコトヲ暗示ス

右ノ結果支那ニ於テハ常ノ平和機關ヲ利用スルコト能ハス

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変更ヲ肯セサルノ事實ハ、通常ノ「平和機關」ヲ現在ノ組織ノ儘ニテハ支那ニ開スル紛爭ニ適用スルノ不可能ナルコトヲ證明シテ餘アリ。

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イ、一般的考察

委員會ハ滿洲カ自然且必然ニ支那ノ一部ナリトノ推定ニ左右セラレ居ルモノノ如ク、現ニ報告書第二九頁ニ於テ滿洲ハ常ニ「支那ノ完全ナル一部ニ非ス」ト述ヘ居リタルコトヲ看做サレ居リ。

支那ノ完全ナル一部」ト看做サレ居リタルコトヲ述ヘ居レリ。

實際上滿洲ノ支那トノ結合ハ單ニ一時的且偶然ノコトニシテ、右ハ報告書ニ付テ見ルモ明カナルカ、報告書ハ不幸ニシテ清朝ノ退位後ノ事態ニ付極メテ輕ク觸レ居ルニ過キス。滿洲官憲ハ「古世界ノ統率ニ從ヒ」タルヤモ知レス、又國家組織法上ノ自己ノ地位ニ關シ餘リ考慮ヲ拂ハサリシヤモ知レサルモ、實際ノ事實トシテハ、支那ヨリ滿洲朝廷カ消滅シタル結果、右帝室ニ依リ、滿洲ヲ同君聯合ノ關係ニ於テ支那ニ結ヒ付ケ居タル連繫ノ基礎消滅シ、而モ「何等新ナル連繫樣式ノ之ニ伴フモノナカリキ」ト述ヘタル南京政府顧問「エスカラ」氏ノ意見ヘ「支那ト國際法」二四〇頁）ヲ採用スルコト無難ナリ。「エスカラ

滿洲ハ自然且必然ニハ支那ノ完全ナル一部ニ非ス

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」氏ハ「滿洲ハ未タ曾テ支那ノ國領タリシコトナシ、蓋シ支那國ハ却テ滿洲ノ一族ニ依リ征服セラレタレハナリ。然レトモ又支那ヲ以テ滿洲ノ國領ナリシトモ云フヲ得ス、、、本件ハ實ニ「同君聯合」ノ一例タルモノナリ」ト說明シタル後、「元來滿洲ニ對スル支那ノ權利ナルモノハ殆ト問題ニナリ得サリキ、曩ニ滿洲人カ帝位ニ在リタリト云フコト以外何モノモナカリシナリ。此ノ帝室消滅シタルヲ以テ更ニ滿洲ヲ支那ニ結ヒ附ケムカ爲ニハ、一ノ新ナル法律樣式ヲ發見セサルヘカラサルコトトナリタリ。而モ右樣式ハ特ニ探索セラレタルコトヲカリシカ如シ」ト述ヘ居レリ。要スルニ滿洲ト支那トノ連鎖ハ薄弱且曖昧ナルモノニシテ、張作霖モ種々ノ機會ニ於テ右連鎖ヲ明白ニ否認セリ。

帝政廢止ノ後

彼上ノ如キ曖昧ナル事態ニ拘ラス、假ニ百歩ヲ讓リ滿洲ヲ以テ一時支那ト正式ニ合體シ居リタリト推定スルモ、一九一六年袁世凱ノ死後ニ於ケル統一共和國ノ沒落ハ、支那ニ於ケル總テノ

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張作霖

政治的統一ノ崩壊ヲ顯示スルモノナリ。其ノ廣大ナル地域ニ於テ生シタル何レノ政府モ其ノ他ノ政府ニ對シテハ何等ノ覇權ヲ有セサリシ實情ニシテ、結局南京ニ於テ一ノ政府カ成立セラレ且列國ニ依リ正當政府トシテ承認セラレタリト雖モ、右ノ事實ニ依リ同政府ハ滿洲ノ如キ曾テ其ノ實權下ニ服シタルコト無カリシ地方ニ對シ權力ヲ及ホシタルコトハナラス。

事實張作霖ハ北京ニ於テ政權ヲ把握セル各派ニ對シ、自己ニ都合良キ場合ニ限リ其ノ意圖ヲ迎ヘムトシタルコトアリトスルモ、未タ曾テ彼等ヨリ命令ヲ受ケタルコト無シ。報告書モ亦「彼ノ態度ハ變ラス常ナキ中央ノ支配者タル軍閥トノ個人的關係ノ如何ニ依リ變化セリ。彼ハ自己ト政府トノ關係ヲ視ルニ個人的同盟ノ意味ヲ以テシタルモノノ如シ」ト述ヘ居レリ（二八頁）。然ルニ報告書ハ張作霖獨立ノ幾多ノ事例ヲ擧ケツツモ、一方張カ支那政府ヨリ獨立シ又ハ之トノ任意的同盟ヲナシタルハ決シテ支那ヨリ獨立セントノ意圖ヲ抱キ居リタルモノニ非ストノ理

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論ヲ展開シ居ル處（二八ー二九頁）、右ハ高々張カ其ノ支配ス
ル滿洲ヲモ包含スル支那ノ統一ヲ瞥望シタルヘキコトヲ意味ス
ルニ過キス。何レニスルモ滿洲ノ地位カ之ニ依リ何等影響セラ
ルルモノニ非サルコト明カナリ。蓋シ滿洲ノ地位如何ハ事實ニ
基クヘキモノニシテ推定ニ基クヘキモノニ非サルナリ。
現ニ張ハ一九二二年五月ノ宣言ニ於テ東北諸省ハ「支那共和國
ノ領土ト認メス」ト明白ニ述ヘ居レリ。（註）

（註）在北京外國公使、在天津外國領事及在唐山外國文武在留者宛。
予ハ徐世昌ヨリ東三省、熱河及察哈爾ノ特別區域並ニ內外蒙古ヲ放棄スル旨
ノ通知ヲ接受セリ。是等ノ地方ハ總テ之ヲ支那共和國ノ領土ト認メス。
予ハ予ノ特殊ナル地位ニ鑑ミ是等地域ニ關スル一切ノ責ヲ負ヒ、且極力友好
國民ノ生命財產ヲ保護シ、彼等トノ友好關係ノ增進ヲ圖ラサルヲ得ス。清朝
及支那共和國時代ニ締結セラレタル一切ノ重要ナル條約ハ完全ニ承認且尊重
セラルヘシ。外國公使、外國領事及在留外國人ニシテ爾餘ノ問題及事項ニ付
交涉セント欲スルモノハ滿洲ニ於ケル予ノ政廳ニ申出ツルコトヲ得ヘシ。予

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ハ人民ノ福祉及経済増進ノ爲、今後友好國民トノ通商關係ヲ從來ヨリモ一層
新密ナラシムヘシ。徐世昌カ本月一日以後ニ於ケル三省、内外蒙古並ニ熱河及察哈
爾ニ關シテ締結スル如何ナル條約モ予ノ直接ノ許可ナキモノハ予ニ於テ之ヲ
承認セス、且予ハ右ヲ以テ徐世昌カ惡意ヲ以テ爲シタルモノト看做スヘシ。

秦天軍總司令　張　作　霖

張學良

張作霖ノ後繼者タル張學良モ實質上同一ノ態度ヲ採レリ。卽チ
彼ハ滿洲ヲモ含ム支那統一ノ理想ハ之ヲ斥ケス、右理想ノ象徴
トシテノ南京政府ヲモ容認セルモ、實際ニ於テハ之ニ服從スル
コトヲ全然拒否セリ。擧告書モ「軍事、政務、財政、外交等總
テノ問題ニ付中央政府トノ關係ハ滿洲側ノ自發的協力ヲ必要ト
セリ。無條件服從ヲ要求スルカ如キ命令又ハ訓令ハ容認セラレ
サリシナルヘシ滿洲官憲ノ意ニ反シタル任免ノ如キハ想像シ得
ラレサリキ」ト述ヘ居レリ（三〇頁）。斯ノ如ク報告書ハ張家
ノ下ニ於ケル滿洲カ如何ナル支那政府ニモ全然服從セス且其ノ
干渉ヨリ全ク獨立セルコトヲ明示シ居レリ。

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報告書ノ自家撞着

故ニ報告書カ第二九頁ニ於テ滿洲ハ「支那ノ完全ナル一部タリシナリ」ト述ヘ、又他ノ部分ニ於テ今日ニ於テモ亦同樣ナリト斷定シ居ルハ、報告書カ滿洲ノ完全ナル獨立ヲ證スル爲引用シ來レル凡テノ他ノ記述ト撞着スルモノナリ。報告書ノ見解ハ日本ニ不利ニ國際法ヲ援用スルモノニシテ、國家ハ一個ノ至高ナル政府ヲ有シ且終經的ニ之ヲ有セサルヘカラストノ最モ基本的ナル國際法ノ原則ニ背馳シ居レリ。事實一九一六年以來支那ノ全部ニ對シ實際ニ權力ヲ行使シタル政府存シタルコトナシ。

住民カ種族的ニ支那人タルコトハ問題トナラス

尚報告書ハ滿洲カ支那ノ一部ト看做サルヘキコトヲ更ニ證センコトシテ、滿洲ニ於ケル現住民ノ多數乃至ハ大部分カ支那移民タリトノ疑モ無キ事實ヲ擧ケ居ル處、之ニ對シテハ、報告書自ラモ述ヘ居ル如ク支那人ニハ深キ國家意識無キコト及報告書ノ此ノ論法ヲ世界ノ他ノ地方ニ適用スルトキハ多數國家ノ領土的地位及世界平和ニ對シ甚ル困惑スヘキ結果ヲ齎スヘキコトヲ附言スルヲ以テ足ル。

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ロ、張家ノ秘政

東三省及ビ ノ東北四省カ獨立ノ狀態ニ在リタルコト竝ニ一九二八年十二月以後ニ於テ是等各省ノ行政的統一ノ保持セラレタルコトハ、滿洲ノ施政カ善良ナリシコトヲ意味スルモノニ非ス。委員會モ張家ノ秘政ニ關シ幾分寬容ニ失スルノ嫌ハアルモ左ノ如ク記述シ居レリ（三一頁）。

滿洲當局ハ從來ノ如ク其ノ權力カ南京ヨリ來ルヨリモ遙ニ多ク彼等ノ軍隊ヨリ來ルモノナルコトヲ認識セリ。

右事實ハ約二十五萬ニ上ル大常備軍維持セラレ、又二億弗（銀）以上ヲ費シタリト傳ヘラルル大兵工廠ノ保持セラレ居ルコトヲ說明スルモノナリ。軍事費ハ公經費ノ八〇「パーセント」ニ達シタリト推計セラレ、其ノ殘額ヲ以テハ行政、警察、司法及敎育ノ費用ヲ支辨スルニ足ラス、又國庫ハ官吏ニ對シ適當ナル俸給ヲ支給スル能ハサリキ。而シテ凡ユル權力ハ少數軍人ノ手ニ陷シタルヲ以テ、官職ハ彼等ノ手ヲ通シ

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蒐メタリ。

敍上ノ陰慘ナル描寫ハ日本參與員ヨリ委員會ニ提出セル「支那ノ現狀」第八章ノ材料ヲ甚シク切詰メ編述セルモノニシテ、右描寫ノ示ス所ヨリモ更ニ深刻ナリシ實情ヲ充分ニ表示シ居ラス（特ニ司法、行政及警察ニ關シ然リ）。然レトモ前揭ノ拔萃ハ、其ノ措置穩和ナルニモ拘ラス猶且如何ニ滿洲人カ官憲及軍閥ノ壓制的桎梏ノ下ニ呻吟シタルカ、從テ彼等ヲ驅テ機會タニアラハ其ノ桎梏ヲ脫セムトスルノ擧ニ出テシムルニハ日本側ノ人爲的刺激ヲ必要トセリトノ推論ノ如何ニ當ラサリシカヲ示スニ足ルモノナリ。

日本ノ滿洲ニ於ケル特殊地位

ハ、日本ノ特殊地位

日本カ「特殊地位」ヲ獲得セルハ實ニ此ノ地域ナリ。滿洲ニ於ケル日本ノ「特殊地位」ニ付テハ多分ニ神祕的ナル觀念ノ附隨スルカ如ク見ルモノアルモ、實際ハ頗ル簡單ナルモノニシテ、同地方ニ於ケル日本ノ條約上ノ特殊諸權利ノ總和ニ、

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其ノ隣接狀態及地理的地位竝ニ歷史的交渉ヨリ生スル自然ノ結果ヲ加ヘタルモノニ外ナラス。日本ノ滿洲ニ於ケル特殊ノ地位ヲ得ヘキ自衞手段ハ其ノ權益ノ程度ニ準セサルヘカラサル處、右權益ハ特殊、緊密ニシテ且重大ナリ。自衞權行使ノ標準的實例タル「カロライン」號事件ノ際、英國カ米國ノ領土ニ侵入シ目前ノ脅威ヲ排除セル行動ヲ米國ニ於テ容認シタル所以ノモノハ、加奈陀ト米國トノ緊密關係竝ニ加奈陀ノ英國ニ對スル極度ノ重要性及當時ニ於ケル同地方混亂狀態ニ外ナラサリキ。

凡ソ自衞行動カ正當ナリヤ否ヤハ地理、危害ノ緊迫及該自衞行爲ノ必要性ニ依リ決定セラルルモノナリ。日本ノ滿洲ニ於ケル權益ハ絕對的ニシテ、且日本ノ領土ハ之ト壤ヲ接シ而モ日本ハ同地方ノ軍隊ノミニ依倚スルコトヲ得ス。日本ノ「特殊地位」ハ一見シテ明白ナリ。右ハ滿洲ノ行政ニ對シ概括的ニ且濫リニ干涉スルノ權ヲ日本ニ與フルモノニ非ス、又敢テ斯ル主張ヲ爲サムトスルモノニモ非ス。然レトモ右

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ハ軍事的攻撃ヲ受ケタル場合異常ナル力ヲ以テ自己ヲ防禦セサルヲ得サル地位ヲ正ニ日本ニ對シ賦與スルモノナリ。

日本ノ特殊權利

日本政府ハ一九〇五年及一九一五年ノ條約ニ依リ日本カ滿洲ニ於テ獲得セル諸權利ヲ列擧セル委員會ノ記述ニ對シ全然同意スルモノニシテ、委員會カ是等ノ條約カ今猶完全ニ有效ニシテ一方的行爲ヲ以テ廢棄シ得サルモノナルコトヲ認メ居ルハ滿足トスル所ナリ。

委員會ハ報告書第三八頁ニ於テ

「上記滿洲ニ於テ日本ノ有スル數多ノ權利ノ概說ニ依リ、滿洲ニ於ケル日支兩國間ノ政治、經濟及法律關係ノ特殊性ハ明瞭ニシテ、斯ノ如キ事態ハ恐ラク世界ノ何處ニモ其ノ例ナカルヘク、又隣邦ノ領土內ニ斯ノ如キ廣汎ナル經濟上及行政上ノ特權ヲ有スル國ハ他ニ比類ヲ見サルヘシ」ト爲シ、

又第三九頁ニ於テ

「滿洲ニ於ケル日本ノ利益ハ、其ノ性質及程度ニ於テ諸外國

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ノ夫レト異ルモノアリ。一九〇四年乃至五年奉天及遼陽、南滿洲鐵道沿線、鴨綠江及遼東半島等滿洲ノ野ニ於テ戰ハレタル日本ノ露西亞ニ對スル大戰爭ノ記憶ハ、總テノ日本人ノ惱裡ニ深ク印セラルル所ナリ。日本人ニトリテハ對露戰爭ハ露西亞ノ侵略ノ脅威ニ對スル自衞ノ爲生死ヲ賭シタル戰トシテ永久ニ記憶セラルヘク、右ノ一戰ニ十萬ノ將士ヲ失ヒ且二十億圓ノ國幣ヲ消費シタル事實ハ日本人ヲシテ是等ノ犧牲ヲ決シテ無益ニ終ハラシメサランコトヲ決意セシメタリ」ト述ヘ居レリ。

該地方ニ於ケル主權ト認ムルモノニ非ス

此ノ「特殊地位」ハ報告書ノ主張スルカ如ク支那ノ主權ニ牴觸スルモノニ非ス。

南滿洲鐵道附屬地トシテ知ラルル極メテ狹隘ナル地域ニ於テ露國ニ許與セラレ、次テ日本ニヨリ繼承セラレタル權力ハ、支那ノ主權ト毫モ牴觸スルコトナシ。支那カ此ノ地帶ヲ露國ニ對シ割讓又ハ長期租貸シ又ハ露國ヲ通シテ日本ニ對シ同樣ノ措置ニ

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出テタリトスルモ、支那ノ主權ニ牴觸セサルコトニ於テハ何等變リナシ。右ハ主權ノ行使ニシテ何等主權ト牴觸セス。露國トノ協定成立ノ際支那ノ主權ハ單ニ名義上存續チ許サレタルニ過キサルカ、右ノ事實ハ支那カ露國ニ與ヘタル權利ト支那ノ主權トノ牴觸チ來スモノニ非ス、寧ロ反對ニ是等ノ權利ハ支那ノ主權ニ由來スルモノナリ

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又滿洲ノ日本ニ對スル近接關係並ニ經濟上及戰略上ノ重要性カ
該地方ニ於ケル主權ト密關スルモノナリトハ想像スルコトスラ
不可能ナリ。固ヨリ是等ノ事實ハ、假ニ滿洲カ他ノ遠隔ナル地
ニ在リタル場合ニ比シ、日本ヲシテ滿洲ニ事アル際已ムヲ得ス
自衛行爲ニ出ツルノ可能性ヲ大ナラシムルモノナリ。然レトモ
右ハ何等同地方ノ王權ヲ制限スルモノニ非ス。斯ノ如キ自衛權
行使ハ極メテ稀ニ發生スルモノナルモ如何ナル國家、假令最強
ノ國家ト雖モ之ヲ免ルルヲ得サルモノナリ。

現ニ米國ノ主權ハ「カロライン」號事件ニ依リ侵害セラレタル
コトナカリシナリ。

日本ノ「特殊地位」ハ執拗ニ攻撃セラレ居ルモ、日本ハ之ニ依
リ幾多ノ困難ニモ拘ラス滿洲ニ於テ文化的ノ大事業ヲ成就セリ
此ノ發展ニ主トシテ寄與シタルハ南滿洲鐵道ノ多面的活動ナル
カ、報告書ハ第二章ニ於テモ亦第八章ニ於テモ何等右實績ヲ認
ムル所ナク、支那國民ノ活動ヲ重視シナカラ、一方同鐵道ニ關

日本ノ文化的功績

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シテハ治ト言及シ居ラス。滿洲ノ今日ノ繁榮カ勤勉且質素ナル支那人ノ流入ニ負フ所尠カラサルハ報告書ノ云ヘル如クナルモ之ヲ以テ支那政府ノ移民政策ニ關スル滿洲ノ感力ニ依ルモノニ外ナラス。而シテ滿洲カ感力アルモノタリシハ、同地方ノ施政善良ナリシカ爲ニハ非スシテ、日本ノ存在ニ依リ戰爭ノ害惱ヨリ解放セラレ居リシカ爲ナリ。支那人ハ人モ知ル如ク、又報告書中ニモ指摘セラルル如ク、環境ニ對スル適應性ニ富ミ、且强キ國家的感情ヲ有セス、右支那移民ノ支那ニ對スル適應ハ若シアリトスルモ社會的及家族的感情ノ問題ニシテ、何等政治的適應ヲ意味スルモノニ非ス。報告書ノ記述スル如ク（一二五頁）「滿洲ト支那ノ他ノ部分トノ連鎖ハ、主トシテ民族的及社會的ナリ。即チ右ノ連鎖ハ政治的見地ヨリモ寧ロ民族的及社會的」ノモノナリ（一二三頁）。此ノ點ヨリ見ルニ報告書カ右非政治的、非經濟的連鎖ノ政治的效果ヲ强調シ居ルハ了

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解ニ苦シム所ナリ。

日本ノ特殊地位ニ對スル侵害

ニ、日本ノ特殊地位ニ對スル侵害

報告書ハ滿洲ニ於ケル日本ノ企業及施設ニ關シ述フル所甚タ尠キモ、支那側ノ直接侵害ノ目的トナリシハ實ニ是等企業及施設ニ外ナラス。而シテ報告書ノ第三章ニ於テハ是等侵害ノ特定ノ問題ニ付檢討スル所アリ。卽チ

一、南滿洲鐵道ニ對スル包圍政策

二、土地商租及其ノ他ノ條約上ノ權利ノ行使ニ對シ加ヘラレタル妨害

三、日本臣民航中朝鮮人ニ對シ加ヘラレタル壓迫

四、中村大尉ノ殺害

等ナリ。

報告書中輕視シ居ル點

然ル處報告書ハ、第三章ニ於テモ又其ノ他ノ個所ニ於テモ、支那側ノ公然條約其ノ他ノ約定ヲ侵犯シ且之ヲ廢棄セントスル政策ニ對シ誹議ヲ加ヘサルノミナラス、却テ國民黨ノ解放運動

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ニ滿口シテ之ヲ寛恕セントスルノ傾向スラアリ。又報告書ハ支那側ノ敵對的態度ノ爲惹起セラルル問題ヲ滿足ニ解決シ得サルコトニモ觸レ居ラス。報告書カ是等ノ問題ヲ斷片的ニ取扱ヒ、此處ニ於テモ亦之ヲ一括シテ相關的ニ考察セサリシハ遺憾ナリ。若シ之ヲ相關的ニ考察シタランニハ、是等問題ノ根底ニハ一個ノ基礎的原因存シ、且是等問題ノ個々ノ場合ノ正邪ノ詮議立ハ頗ク措キ、要スルニ滿洲ニ於ケル日本ノ權益ヲ擁護セントスル決意ノ表現ニ外ナラサリシコトヲ明カニシ得タリシナルヘシ。

是等條章ノ九月十八日事件ニ對スル關係

右ハ報告書中ニ於ケル張學良ノ南京政府トノ同盟後、滿洲ニ於テ發展セル事態ノ概說（三〇一三一頁）ニ依リ一層明カナルヘシ。外交政策ノ範圍ニ於テハ地方官憲ハ依然多大ノ行動ノ自由ヲ有シタルニ相違ナキモ、滿洲ト國民政府トノ合體ハ相當重要ナル結果ヲ招來セリ。東支鐵道ノ滿洲ニ於ケル地位ニ對スル態度ハ滿洲ト國民政府トノ合體以前ヨリ「進取

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政策」ノ採用セラレ居タルコトヲ示スモノナルカ、國民黨ト
ノ合體後ハ滿洲ハ巧ニ組織セラレ且系統的ナル同黨ノ宣傳ニ
開放セラレタリ。同黨ハ其ノ正規印刷物ニ於テ又同黨ト關係
深キ多數ノ機關紙ニ於テ常ニ喪失主權ノ回復及不平等條約ノ
廢棄ノ極メテ重要ナルコト竝ニ帝國主義ノ邪惡ヲ强調スルコ
トヲ止メサリキ。支那領土ニ於ケル外國ノ利益、裁判所、警
察、警備兵又ハ軍隊ノ實體カ明白ナル滿洲ニ於テ斯ル宣傳カ
深キ印象ヲ與ヘタルハ必然ナリ。國民黨ノ宣傳ハ同黨ノ教科
書ニ依リ學校ニ侵入シ又遼寧人民外交協會ノ如キ協會出現シ
テ、國民主義的感情ヲ鼓吹强調スルト共ニ抗日煽動ヲ實行シ
又支那人家主又地主ニ對シテハ日本人及朝鮮人タル賃借人ヘ
ノ賃貸料ノ引上又ハ賃貸契約ノ更新拒絶ヲ强要シタリ。日本
人ハ委員會ニ對シ多數ノ此ノ種ノ事件ヲ訴ヘ來レリ。朝鮮人移
民ハ組織的迫害ヲ蒙レリ。諸種ノ抗日的命令及訓令發セラレ
軋轢ノ事例推積シ危險ナル緊張加ハレリ。一九三一年三月各

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省首都ニ國民黨省黨部設立セラレ、次テ其ノ他ノ都市及地方ニ支部ノ設立ヲ見タリ。當ノ宣傳員ニシテ支那ヨリ北上シ來ル者ハ次第ニ其ノ數ヲ加ヘ、日本側ハ抗日運動ノ日ニ激化スルヲ訴ヘタリ。一九三一年四月奉天ニ於テ人民外交協會主催ノ下ニ五日間ノ會議開催セラレ、滿洲各地ヨリノ代表者三百餘名之ニ參加シ滿洲ニ於ケル日本ノ地位一掃ノ可能性ニ付討議セラレタルカ、其ノ決議ノ中ニハ南滿洲鐵道國收ノ一項ヲ含メリ。當時滿聯郭及其ノ市民モ亦右同樣ノ傾向ニ傾マサレタルカ、一方白露人ハ何等返還スヘキ主權又ハ例外的特權ヲ有セサルニ拘ラス屈辱虐待ヲ蒙レリ。

右概說ハ九月十八日ノ直前ニ存在シタル狀況ヲ相當程度ニ描寫シ居ルモ報告書ノ第二章ニノミ揭ケラレ、第四章ニ於テ九月十八日事件ヲ記述スルニ當リ之ト關聯セシメテ何等言及スル所ナキハ遺憾ナリ。

報告書ハ第四章ニ於テ此ノ重大問題ヲ取扱フニ當リ、之ト日本

事件ノ背景ハ切離サレ居レリ

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側福益ニ對スル支那側ノ連續セル侵害トノ關係ニ關シ何等ノ認識ヲ示サス。强烈ナル日貨排斥、日支諸條約ノ效力否認、日本側鐵道ニ對スル破壞的競爭、朝鮮人移民ニ對スル妨害、將又萬寶山事件ノ何レニモ言及シ居ラス、偶々中村大尉事件ニ觸レ居ルノミ。要スルニ九月十八日事件ハ其ノ全背景ヨリ切離サレ居レリ。

支那側ノ侵略的決意ニ關スル證據ハ一切無視セラレ、之ニ代フルニ日本國民カ「再ヒ積極政策ノ採用」ニ轉セムトシツツアリタリト想像セシムルカ如キ雜多ノ理由羅列セラレタリ。

侵略的ナル隣邦ノ正規軍ニ依リ、一國ノ安全ヲ構成スルノ致命的中樞ニ加ヘラレタル武力攻撃ヲ反撃シ得ルハ理ノ當然ニシテ之カ說明トシテ態々日本ノ貿易不振ノ如キ理由ヲ援用スル要何レニ在リヤ。日本側ノ迅速且完全ナル反撃ト從來ノ支那側ノ證據歷然タル侵略的意圖トヲ分離シテ取扱ヒタル結果ハ、遂ニ鎭道攻撃ニ對スル冨然ノ措置ノ說明トシテ前記支那國ノ侵略ノ事

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實ヲ擧ケスシテ、却テ日本ニ於ケル内政上ノ不平ト云フカ如キコトヲ擧ケサルヘカラサル破目ニ陷レリ。委員會カ正ニ調査スヘカリシ問題ハ支那側カ何カ故ニ滿洲ニ於テ「積極政策」ヲ採用セシヤノ理由ナリシナリ。

緊張緩和ニ關スル日本ノ努力

既ニ一九三一年六月十五日、日本政府ハ滿洲ニ於ケル支那官吏及巡警ノ行動ニ依リ重大ナル結果ヲ惹起スルノ虞レアルコトヲ指摘セリ。而シテ日本政府ハ貿易不振又ハ軍事上若ハ政治上ノ不滿ノ爲何等「積極政策」ヲ開始スルノ必要ニ迫ラレタルカ如キコトヲ毫モナク、擧ロ凡ユル方法ニ依リ形勢ノ緊張ヲ緩和セント努メタリシナリ。斯ル努力ニ拘ラス支那側ノ侵略的態度ハ依然トシテ改マル所無カリキ。日本軍カ「北大營」ニ入リシトキ「看哪！營垣西邊的鐵道」ナル營兵煽動ノ「ビラ」ヲ營舍壁上ニ發見シタル事實スラアリ。九月十八日ノ暴擧カ實ニ此ノ地點ニ於ケル是等ノ兵士ノ仕業ナリシコトハ怪シムニ足ラス。

滿洲ニ存在セル緊張狀態ヲ明カニシ得ルモノハ實ニ此ノ支那側

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ノ侵害的態度ニシテ、報告書中ニ仄メカサレタルカ如キ日本側ノ「積極政策」ノ復活ニ非ス。其ノ他奉天ニ於ケル張學良軍内ニ瀰漫セシ傲慢暴戻ノ幾多ノ實例ハ、四月二十四日委員會ニ交付セラレタル關東軍作成ノ「滿洲ニ於ケル日支衝突ノ管見」ト題スル冊子中ニ收メラレアルモ報告書ハ之ニ言及タモシ居ラス斯ノ如ク當時ノ雰圍氣ハ極メテ引火シ易キ狀態ニ在リ、苟モ爆發セシムルノ虞アルカ如キ行爲ハ如何ニ些細ナルモノト雖モ絕對ニ之ヲ避クルコト必要ナリシコトハ、然上事態ノ推移ヲ注視シ以テ報告書中ニモ詳述セラレタル支那側ノ攻撃的態度ノ益々熾烈ニ向ヒツツアリタルコトヲ了解スルモノニ取リテハ自カラ明カナルヘシ。

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第三章　九月十八日ノ事件及其ノ後ノ軍事行動

官憲ノ説明

日本軍事當局ハ委員會ニ對シ、或ハ文書ニ依リ或ハ關東軍司令部員トノ會議ニ於テ本事件ニ關スル完全且詳細ナル資料ヲ供給セリ。日本政府ニ於テハ是等資料ハ正確ニシテ何等僞ラサルモノナルヲ信シ之ヲ全般的ニ支持セント欲スルモノナリ。報告書ハ右等資料ヲ「日本側ノ説明」ト題シ六節ニ亙リ摘記シ居ル處（六七ー六九頁）、右摘要中ニハ多クノ重要ナル細目脫漏シ居ルヲ以テ、理事國ニシテ更ニ情報ヲ得ント欲スルニ於テハ事件ノ主要關係者及日本政府ノ供給セル資料ヲ參照スヘキナリ。

委クヘキ委員會ノ論斷

報告書ハ「支那側ノ説明」ヲモ摘記セル後若干ノ論斷ヲ爲シ居レルカ、右論斷タルヤ日支双方ノ説明ヨリ當然生スヘキ結論トハ相距ルコト遠ク、且委員會自ラモ認メ居ルカ如ク何等ノ公的性質ヲ有セサル外部ノ情報ニヨリ書シク左右セラレタルノ感アルヲ禁シ得サル所ナリ。

日本政府ノ一驚ヲ委員會ハ鐵道爆破ノ事實ハ認メタルカ（七一頁）其ノ損害輕微

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ニシテ之ノミヲ以テシテハ日本ノ軍事行動ヲ正當トスルニ充分ナラサリシ旨附言セリ。然レトモ此ノ點ニ關シ委員會ハ次ノ如キ二個ノ事實ノ存在ヲ認メナカラ之ヲ充分ニ考慮ニ入ルルコトヲ懈レルモノナリ。即チ第一ニハ相對抗スル兩兵力ノ間ニ緊迫セル狀態ノ存シタル事實ニシテ、第二ニハ一國ノ軍隊カ他國ノ領域内又ハ之ニ近接シテ出屯シ、而モ事件頻發シ何時カハ迅速ナル行動ヲ執ルノ必要アルヘキヲ思ハシムル場合、苟クモ組織アル軍隊トシテハ當然之ニ備フヘキ緊急作戰計畫ヲ有セサルヘカラサル　メテ明瞭ニシテ、日本軍モ亦斯ル作戰計畫ヲ豫メ用意セルノ事實之ナリ。

報告書カ右第一點ノ急迫セル緊急狀態、即チ日支間ニ漸次昂マリツツアリタル一般的緊張狀態及相接觸スル兩軍間ノ局地的緊張狀態ヲ認メツツモ而モ之ヲ充分明白ナラシメサリシ次第ハ蠻

報告書ハ緊張狀態等ヲ閑視ス

日本軍ノ計畫

ニモ述ヘタル通ナリ。

第二點即チ日本軍カ「支那軍トノ間ニ於ケル敵對行爲起リ得ヘ

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キコトヲ豫想シテ愼重準備セラレタル計畫」（七一頁）ヲ有シタリトノ點ニ關シテハ單ニ爭實ヲ一瞥セムカ、他ノ如何ナル單隊モ恐ラク同樣方針ニ出ツルノ外無カリシナルヘキコト自カラ明白ナルヘシ。

他ノ如何ナル日本軍ハ飛行機其ノ他豐富ナル軍需品及貯藏彈藥ヲ備ヘ、一大兵工廠ヲ有セル極メテ優勢ナル軍隊ニ對スルニ遙ニ劣勢ナル兵力ヲ以テシタリ。從テ同軍トシテハ何等カノ事件發生スル場合又ハ支那側ノ攻擊アリタル場合、優勢ナル敵軍ニ依リ壓倒セラルルコトヲ避ケンカ爲、迅速ナル行動ヲ執ルノ準備ヲナシ置クノ要アリシハ當然ナリ。日本軍カ斯ル事態ニ備フヘキ計畫ヲ有シタルハ固ヨリ其ノ所ニシテ、若シ之ヲ有セサリシトセハ重大ナル職務懈怠ト云フヘシ。同軍ハ凡ユル場合ヲ周密ニ研究シ頻繁ニ演習ヲ行ヒテ其ノ結果ハ右計畫ノ殆ト自働的ニ實施ヲナシ得ル狀態ニ在リタリ。尤モ特定ノ場合現地將卒ニ對シ臨機裁量ノ餘地ハ與ヘラレタルモ、攻擊ヲ

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受ケタル場合如何ニ對應スヘキカハ豫見セラレ且知悉セラレ居タリ。從テ支那軍ニ依ル鐵道破及最初ノ發砲アリタル後、此ノ計畫カ「迅速且正確ニ實施セラレタル」（七一頁）ハ極メテ當然ナリ。

所謂平和電報

報告書ハ日本軍カ最モ合法且必要ナル防衛手段トシテ右緊急計畫ヲ用意セルコトト、支那側カ何等「日本軍ニ攻撃ヲ加ヘ又ハ特ニ右ノ時及場所ニ於テ日本人ノ生命及財産ヲ危險ナラシムルカ如キ」（七一頁）計畫ヲ有セサリシコトトヲ對照シ、其ノ證據トシテ張學良カ支那軍隊ニ對シ隱忍ヲ旨トシ兵力ニ訴フヘカラスト訓令セル九月六日附電報ナルモノヲ引用セリ。尤モ日本側ハ右電報ニ關シ何等ノ情報ヲ有セサルモ、假ニ右電報カ果シテ適當ニ發受通達セラレ且其ノ後ニ於テ張學良自身ニ依リテ取消又ハ變更セラレタルコトアシトスルモ、支那軍隊ノ不規律カ世界周知ノコトナルニ鑑ミ、右電報ノ故ヲ以テ支那側カ日本軍隊ヲ攻撃セサルコトノ保障トモ、又支那側カ九月十八日ノ攻撃

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ヲ爲ササリシトノ證據トモナルモノニ非ス。況ンヤ當夜支那軍隊カ實際攻撃ヲ爲シ且引續キ武力抵抗ヲ爲シタルノ事實アルニ於テヲヤ。此ノ點ニ付テハ委員會ハ「支那軍ハ何等協同セル又ハ命令ヲ受ケタル日本軍ニ對シ行ヒタルモノニ非ス」ト述ヘ、支那側カ攻撃セリトノ假定ヲ否定スルコトナク單ニ之ヲ「協同セル又ハ命令ヲ受ケタル」モノニ非スト云ヒテ右攻撃ト本事件トノ關係ヲ輕視スルニ努メ居レリ。即チ報告書ニ據ルモ此ノ攻撃ハ少クトモ上官ノ命令ニ基カサル支那兵ノ行爲ナルヘシト見ラルル次第ナリ。

計畫ノ目的的實行

何レニセヨ最破カ行ハレ且支那兵卒カ攻撃ヲ爲シタルコトハ優然タル事實ニシテ其ノ結果損害ノ程度等ヲ問題トスルノ邊無ク日本側ノ緊急計畫ハ自動的ニ實施セラルルニ至レルモノナリ。

委員會ノ表示セル意見

委員會ハ九月十八日夜ノ事件ニ關シ「同夜ニ於ケル日本軍ノ軍事行動ハ、、、、、正當ナル自衛手段ト認ムルコトヲ得ス（七一頁）ト附言スルヲ以テ其ノ義務ナリト思惟セリ。

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斯ル判断ハ全然受諾シ難キ所ニシテ、右ハ戰爭拋棄ニ關スル「ア
リアン、ケロッグ」條約加盟國ノ何レモ意外トスル所ナルヘシ。
一九二八年六月二十三日附「ケロッグ」國務長官ノ同文通牒中
自衛權ニ關スル一節ハ左ノ如シ。

自衛ハ容認セラルル

(一) 自衛權、不戰條約米國草案中ニハ何等自衛ノ權利ヲ制限シ若ハ毀損スルモノナシ該權利ハ各主權國固有ノモノニシテ、一切ノ條約中ニ默示的ニ包含セラルルモノナリ各國民ハ如何ナル時ニ於テモ又條約ノ規定如何ニ拘ラス攻撃又ハ侵入ニ對シテ其ノ領土ヲ防衛スルノ自由ヲ有シ且右國民ノミカ自衛ノ爲戰爭ニ訴フルヲ妥スル情勢ニアリヤ否ヤヲ決定スルノ權能ヲ有ス

又同條約批准ニ際シ米國上院ノ採擇セル決議ハ左ノ如シ。

自衛權ノ行使ハ右權利ヲ行使スル一國ハ領土權ハ範圍外ニ及フコトヲ得ヘク又屢々及フモノナルコトハ十分ニ認メラルル所ナリ。

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更ニ一九二八年五月十九日及七月十八日附「サー。オーステン。チエーンバレン」ノ在英米國外交代表者宛書翰ヲ引用スルニ左ノ如シ。

前者ニ於テハ次ノ如ク述ヘラル、

四、英國政府ハ合衆國案第一條ノ用語ヲ攻究シタルモ右文言ハ自衛上一國カ執ルノ已ムナキニ至レル行爲ヲ排斥スルモノトハ思考セス「ケロツグ」氏ハ前記ノ演說中ニ於テ自衛權ハ現案シ得サルモノト認ムル旨ヲ明ニセラレタルニ依リ英國政府ハ本問題ニ關シ條文ニ追加ノ要ナシト思考スルニ至レリ

一〇、國家ノ政策ノ手段トシテノ戰爭ノ拋棄ニ關スル第一條ノ文言ニ顧ミ本官ハ世界ノ特定地域ニ於テハ其ノ康寧及保全カ我國ノ平和及安全ニ對シ特殊且緊切ナル利害關係ヲ構成スルモノナルコトニ付閣下ノ注意ヲ喚起セントス英國政府ハ此等地域ニ對スル干渉ヲ容認シ得サルコトヲ明ニセ

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ント努力シ來レリ攻撃ニ對シ此等地域ヲ防護スルコトハ英帝國ニトリ自衛ノ一手段ナリ新條約カ此ノ點ニ付英國政府ノ行動ノ自由ヲ阻害セストノ明確ナル諒解ノ下ニ同政府ハ之ヲ受諾スルモノナルコトヲ明カニシ置クノ必要アリ合衆國政府モ亦同種ノ利害ヲ有シ他國カ之ヲ無視スルヲ非友誼的行爲ト看做スヘキ旨宣言シタルコトアルニ依リ英國政府カ其ノ立場ヲ斯ク明カニスルハ即チ合衆國政府ノ意嚮ト見解トヲ表明スルモノト信ス

後者ニ於テハ次ノ如ク述ヘラルヽ

本官ハ「ケロツグ」氏カ四月二十八日其ノ演說中ニ於テ本件條約ハ何等自衛ノ權利ヲ制限若ハ毀損セスト述ヘラレタル見解及各國家ハ自ラ自衛ノ爲戰爭ニ訴フルヲ要スル情勢ニアリヤヲ決定スルノ權能ヲ有ストノ意見ニ全然賛同スルモノナリ

佛國政府モ亦一九二八年七月十四日附在佛米國大使宛回答ニ於テ同樣左ノ如ク述ヘタリ。

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新條約中ニハ如何ナル方法ニ於テモ自衛權ヲ制限シ若ハ危殆ナラシムヘキ何モノヲモ包含セス此ノ點ニ關シ各國民ハ常ニ政策若ハ侵略ニ對シ其ノ領土ヲ防禦シ得ルノ自由ヲ有シ各國民ノミカ自衛ハ爲戰爭ニ訴フルヲ要スル情況ニ在リヤ否ヤヲ判定シ得ルナリ

獨國政府ハ一九二八年四月二十七日附在獨米國大使宛書翰ニ於テ本條約ハ「各國家ノ自衛ノ主權ニ觸ルルモノニ非ス」トノ前提ノ下ニ出發スルモノナルコトヲ宣言シ居レリ。

是等往復書翰ヲ了承セル日本政府モ亦駐日米國大使宛一九二八年五月二十六日附公文ニ於テ「合衆國提案ハ何等獨立國家ニ對シ自衛ノ權利ヲ拒否セスト强調スルヲ忘レサリキ。斯ル明白ナル留保アル以上、自衛ノ行動ニ對シテ決定的意見ヲ下スノ權利ハ專ラ當該國ノ主權ノ認定ニ繫ルモノナリ。本件ニ關シ委員會ハ「本委員會ハ現地ニ在リタル將校カ自衛ノ爲行動シツツアリト思惟シタルナルヘシトノ想定ハ之ヲ排除セス」ト

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自衛ノ程度ハ關係利益ノ重大性ニ比例ス

明白ニ判定シ居ル處、九月十八日ノ事件ニ付テハ現地ニ在リタル將校以外何人ト雖モ日本軍ノ執リタル行動カ自衛ノ措置ナリシヤ否ヲ判斷スルノ資格ヲ有スルモノナカルヘシ。

自衛權ノ性質ニ關シ玆ニ詳說スルノ必要ナカルヘク、右ニ付テハ米國國務卿「ウエブスター」氏ノ定義ヲ以テ最モ適當トスヘシ。蓋シ同卿ハ自衛權ノ正當ナル行使ハ「手段ノ選擇及熟考ノ時間ナキ緊急且壓倒的ナル必要アル」場合タルコトヲ要スト-ナシ居レル處、九月十八日事件ハ是等ノ條件ニ正確ニ適合セリ。當時ノ狀勢ハ絕大急迫ナル危險ニ對抗スルノ必要アリタリ。卽チ優勢ナル兵力ニヨリ明白ナル攻擊ヲ受ケ、若シ早キニ及ンテ之ヲ排除セスンハ日本軍ハ滿洲ヨリ驅逐セラレタルナルヘシ。手段選擇ノ餘地無ク只反擊ノ一途アリタルノミ。固ヨリ熟考ニ時ヲ費スヲ許サス、攻擊ハ公然開始セラレタリ。問題ハ極メテ簡單ニシテ危險ニ曝サレタル利益ノ程度カ强力措置ヲ必要トスルヤ否ヤヲ考慮スルノ要ナカリキ。蓋シ是等ノ利益ハ極東ニ於

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ケル日本ノ地位其ノ物ニ外ナラサリシヲ以テナリ。

支那側ノ抵抗ニ伴フ爾後ノ事件ニ付テモ日本ハ何等ノ責任ヲ問ハルヘキ理由ナシ。普通ノ場合自衛ノ措置ハ抵抗ヲ受ケス且關係國間ノ友誼的商議ニ依リ直ニ解決セラルルモノナリ。然レトモ一度武力抵抗ニ遭遇スルニ於テハ自衛手段カ如何ナル程度ニ擴大スルヤハ固ヨリ之ヲ豫測スルニ由ナキナリ。

此ノ關係ニ於テ彼ノ「ナヴアリノ」事件ヲ回想スルハ必スシモ失當ニ非サルヘシ。該事件ニ於テ衝突ヲ希望シ又ハ之ヲ豫期シタルモノナカリシハ現ニ關係國ノ一國カ之ヲ「不慮ノ出來事」ナリト謂ヘルニ徴スルモ明カナリ。當時希臘ニ於ケル叛亂ヲ鎮壓スル爲土耳古ノ援助ニ赴キタル埃及艦隊ハ之ヲ妨ケントセル英佛露ノ艦隊ニ遭遇シ、事態茲ニ緊張セルニ際シ遇然ノ發砲カ導火トナリテ終ニ衝突ヲ惹起スルニ至リ、其ノ結果ハ埃及ノ艦隊ト共ニ土耳古ノ希望ハ殲滅セラレ希臘ノ獨立ハ刻印セラレタリ。然レトモ右ハ單ナル自衛行爲即チ發砲ニ對スル應射ニ發足

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セルモノニシテ、当衙措置ヨリ來ル結果ヲ制限スルコトカ如何ニ不可能ナルカヲ示スモノナリ。

同時的軍事行動

委員會ハ九月十八日滿鐵附屬地帶全域ニ亙リ同時ニ軍事行動ノ起リタルコトヲ結論スルモ、當時斯ル同時的行動カ何故ニ必要ナリシカヲ闕却セリ。千百粁ニ亙ル鐵道沿線ニ駐屯スル一萬四百ノ軍隊ヲ率キテ、關内ニ於ケル張學良麾下ノ十一萬ヲ除クモ尚二十二萬ヲ數フル支那軍隊ニ對峙セル日本軍司令官トシテハ他ニ執ルヘキ手段ナカリシナリ。殊ニ奉天ニ於テハ定員ニ滿タサル一個聯隊及若干ノ鐵道守備兵總計千五百人ヨリ成ル日本軍カ、砲約四十門ヲ有スル一萬五千ノ支那兵ニ對峙シ居リ長春其ノ他ニ於テモ同樣ノ狀態ニ在リタリ。日本軍司令官ハ百萬ヲ超ユル在滿日本臣民保護ノ責任ヲ有シタルカ、既ニ一地點ニ於テ攻撃セラレ且明カニ他ノ地點ニ於テモ攻撃ヲ受クル虞アリシニ際シ、右保護ヲ確保スル唯一ノ手段ハ鐵道ニ依ル輸送ノ便ヲ悉ク利用シ支那軍隊ノ行動ニ對シ機先ヲ制スルニアリタリ。

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結論

要スルニ九月十八日夜開始セラレタル軍事行動ハ、支那側攻撃ノ場合ニ備フルカ爲準備セラレタル計畫ヲ實施シタルニ過キサルモノニシテ、現地ニ於ケル支那側兵力ノ非常ニ優勢ナルニ顧ミ、日本軍司令官ハ常ニ右計畫ヲ急速且正確ニ實施スルヲ以テ、右保證ノ任ヲ果ス爲ニ缺クヘカラサルモノト思考シ居リタリ。右行動ハ自衛以外ニ亙リシコトナク、日本政府ハ該行動カ必要ナリシヤ否ヤ又ハ妥當ナリシヤ否ヤニ付外間ノ論議ヲ許ス能ハス。

其ノ後ノ軍事行動

報告書ハ九月十八日以後ニ於ケル日本臣民ノ生命財產ノ保護ヲ有效ニ保障スル爲ノ軍事行動ニ付相當仔細ニ記述シ居レル處、日本政府ハ是等細目ノ點ニ付テモ意見ヲ述フルノ必要アルモノ多々アルヲ認ムルモ玆ニハ一々論議セサルヘシ。只何レノ場合ニ於テモ未タ曾テ自衛權ノ範圍ヲ逸脫シタルコトナキヲ確信スルモノナリ。

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第四章　新興國家初期國家

問題ノ重要性

報告書第六章ニ掲クル滿洲諸問題ハ最モ重要ナリ。何トナレハ委員會カ第九章ニ於テ爲シタル「滿洲ニ於ケル現政權ノ存續及承認モ亦均シク不滿足ナルヘシ」トノ一般的判定ハ、滿洲國ノ成立及新政府ニ對スル住民ノ態度ニ關シ第六章中ニ爲サレタル論斷ニ其ノ基礎ヲ置キ居ルヲ以テナリ。

證據ノ不滿足ナルコト

右論斷ハ實證セラレタル事實ヲ殆ト參酌セスシテ爲サレタルヤニ見受ケラル。短期間ノ滯在ヲ以テシテ、成立後僅々數週間ノ新國家ニ於ケル事態ノ眞相ヲ把握スルノ困難ナルハ勿論ニシテ斯ル新國家カ建國早々ノ時代ニ於テ例ヘハ反動分子及不平分子ノ策動、過渡期ニ必然伴フ諸々ノ困難特ニ商業及農業ニ對スル打撃、特ニ滿洲國ノ場合ニ於テ殊ニ熾烈且惡辣ナル反對宣傳ノ如キ各種ノ障害ニ遭遇スレハ免レサル所ナリ。

然ルニ報告書カ日本政府ノ殷鑑ナル事明ニ耳ヲ緘サス、且日本政府提供ノ詳細ナル文書ニ對シ殆ト價値ヲ認メサル一方、滿洲

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及張學良ノ根據地タル北平ニ於テ素性不明ノ人物ノ意見ニ傾シ且出所ノ曖昧又ハ不明ナル書信ニ信ヲ置キタルコトハ遺憾ナリ。

從テ日本政府ハ報告書第六章ニ掲クル滿洲國ノ成立、住民ノ意嚮並ニ新國家ノ組織及將來ニ關シ、國際聯盟理事會ヲシテ更ニ正確ナル觀念ヲ得シムルヲ以テ其ノ特別ナル責務ト感スルモノナリ。

（滿洲ノ獨立ハ新ナル事柄ニ非ス）

第一ニ報告書ハ一九三一年九月以前ニハ滿洲ノ獨立ニ關シ未タ曾テ聞ク所ナカリキト言ヒ居レリ（九七頁）。

然ルニ滿洲カ地理的及歷史的ニ終始支那本部トハ分離セル一特別地域タリシコトハ既ニ明瞭ニ說述セリ。滿洲ハ清朝ノ帝室個ヲ形成シタルモノニシテ支那共和國又ハ其ノ官吏ハ支那本部ニ合併スルノ實力ヲ有シタルコトナシ。且滿洲ノ獨立カ少クトモ二回ニ亙リ張作霖ニ依リ宣言セラレタルハ報告書モ自ラ之ヲ認メ居レリ。張作霖及其ノ子張學良ノ暴政ハ周知ノ事實ニシテ之

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亦報告書ノ認ムル所ナリ。彼等ノ野心及貪婪ハ彼等ヲ駆ツテ満洲ヲ植性ニ供シテ高価且惨憺タル支那侵入ヲ企テシメタリ。而シテ此ノ結果風ニ所謂「保境安民」運動起リ「満洲人ノ為ノ満洲」ナル叫ヒヲ喚ケシムルニ至レルハ儼然タル事実ニシテ、斯ル運動ヨリ名実共ニ完全ナル独立ニ至ルハ実ニ一歩ニ過キサリキ。該運動ハ架空ノ事実ニ非スシテ其ノ指導者ハ何レモ周知ノ人物ナリ。即チ張作霖時代ノ奉天省王永江及張ノ参議于冲漢ニシテ共ニ張ノ暴虐ヲ訓止シテ容レラレス其ノ職ヲ辞スルニ至レルモノナルカ、九月十八日事件後ニ於テ自治指導部ノ組織者トナレルモノハ実ニ于冲漢其ノ人ナリ。即チ彼カ自治指導部ノ組織者トナレルハ日本側ノ誘引ニ屈服セルニ非スシテ單ニ表ニ中止セル事実ヲ証拠セルニ過キス。斯ノ如キハ満洲独立運動ノ代表的事例ナリ。

以上ノ次第ヲ強調セムカ為張家時代ニ起レル他ノ独立運動ヲ一々列挙スルノ要ナシ。然ルニ報告書カ満洲独立ノ思想カ存在セ

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サリト明言シ居ルハ蕪外ニ感セサルヲ得ス。

張父子ノ私政及誅求ハ数養アル支那人及満洲人ヲ駆ツテ仇ニ回ス結果ノ必要ヲ考慮セシメタリ。奉天軍師公會長趙欣伯ハ張作霖ニ対スル問題ヲ提議シタルモ其ノ容ルル所トナラサリキ。奉天商層大学ニ於テ一回ノ教授迄モ亦張學良ノ軍閥政治ニ對抗セム爲ニ必要ナル政治改革ノ研究ヲ始メタルカ遂ハ此ノ一團ト接触ヲ保テリ。

今回ニ於ケル獨立運動ノ詳細

斯ノ如ク満洲ニ於テハ一九三一年九月以前ニ於テモ獨立ヲ目的トセル運動存在セルカ、此ノ點ニ關シ委員會ハ一切ノ資料ヲ得満洲ニ於テ新政府ノ首脳者迄トノ會談ノ際ニ提供セラレタル情報ヲ含ク無視セルヤニ見受ケラル。

満洲ノ獨立ハ未タ曾テ日ク所ナカリシトノ報告書ノ斷カ不當ナルハ以上ノ如シ。次ニ吾人ハ満洲國成立ノ事情及之ニ對スル日本ノ態度ニ付テ述ヘントス。此ノ點ニ關シ報告書ハ事實ニ一致セサルコト甚シキモノアリ。

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報告書ハ満洲ノ独立且自遣運動ハ九月十八日ノ事件ノ結果トシテ發生セル事態ヲ攻治スル爲日本人ニ依リ開始セラレ且組織及遂行セラレタルモノニシテ、之カ爲日本人ハ若干支那要人ノ姓名ヲ擧リ其ノ後援的協力ヲ利用セリト述ヘ、且日本軍司令部ノ行動ニ付テハ九月十八日以後政治的動機ノ顯著ナルモノアリ而シテ東京ト雖本部ハ右獨立運動ニ援助ヲ與ヘ其ノ組織者ヲ指ねセリト述ヘ居レリ。

然レトモ斯ノ如キ想定カ如何ニ根據ナキカハ少シク想ヲ回セハ明瞭ナルヘシ。張学良ノ下ニ於テ満洲ノ秩序維持ノ責任者タリシ官憲カ九月十八日以後ニ於テ大部分逃亡セル際、引續キ日常生活ノ後續ヲ維持スル爲ニ何等カノ組織ノ必要ナルコト明カナリキ。地方盲目者ニ依リ地方自治発員會組織セラレタルカ、日本直除ハ彼等ノ協力ヲ歓迎シ之ヲ援助セリ。蓋シ如何ナル軍隊ト雖モ其ノ占領地域ニ對シ成ル可ク損害ヲ少ナカラシムルノ要アリ、文明生活ノ手段ヲ維持スルコトハ日本軍ノ第一ニ留意セ

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ル所ニシテ、右目的ノ達成ハ自治委員會トノ協力ニ依リ初メテ可能ナリシナリ。政府ノ胚芽タル是等自治委員會カ結合シテ眞ノ國家ヲ成スニ至レルハ何等驚クヘキコトニ非スシテ、此ノ間日本側ノ使嗾ヲ憑仗スルノ餘地ナシ。滿洲ハ一人ノ統治者ヲ有スルノミニシテ、支那本部ノ如ク多數ノ權力者ノ確執ニ依リ攪サルルコトナカリシモ其ノ統治ハ紊亂ヲ極メ居レリ。從テ新爲政者等カ張作霖ヨリ脫セントシタルハ異トスルニ足ラス。一九三一年九月十八日以前及以後ニ於ケル滿洲ノ實情ヲ知悉スルモノニ取リテハ張政權ヲ拂除セントスル決意カ一般ニ擴漫シ、其ノ結果完全ナル獨立ヲ眞言スルノ運動ニ容易ニ進展シ得ヘキ狀況ニ在リシコトハ直ニ明瞭ナルヘシ。此ノ點ニ關シ玩ニ支那共和國ノ創立ト同時ニ起リタル清朝復辟運動カ、嘗テ清朝發祥ノ地ニシテ後ニ其ノ帝室領タリシ滿洲ト終始多大ノ關係ヲ有シタルコトモ亦之ヲ記憶セサルヘカラス。是等ノ事情ニ通スルモノニトリテハ當時這般シツツアリタル「獨立運動」ハ何等ノ爲

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異ヲ齎スモノニ非ス。従テ該運動カ全部（九七頁第二三行）又ハ一部分（九七頁第二三行）氏名不詳ノ日本人又ハ日本参謀本部ノ仕業ナリトノ想像ハ當然否定セラルヘキモノナリ。

支那人及滿洲人ノ事ナルコト明カナリ

報告書自身ノ原述ニ依ルモ是等地方、省及國家獨立ノ運動ハ何レモ支那人、滿洲人又ハ蒙古人中ノ有力者ノ事業ナリシヲ見ル

日時

即チ奉天ニ於テハ葆帥公會長禮欣伯、張學良時代ノ東北政務委員會副委員長袁金鎧、治安維持委員會副委員長于冲漢、奉天省主席兼式穀、吉林ニ於テハ同省主席代理熙洽、哈爾賓ニ於テハ東省特別區行政長官張景惠ナリ。而シテ新國家設立計畫ノ準備ニ當レルハ于冲漢及楓式穀ノ兩者ナリキ。國家組織ノ細目ヲ作リ且獨立宣言ヲ起草セルハ奉天ニ集合セル奉天、吉林、熱河各省及東省特別區委人並ニ蒙古族人ニシテ、新國家ノ胚芽タリシ東北行政委員會ヲ構成セル支那人、滿洲人及蒙古人ノミナリキ。

更ニ是等運動ニ關スル日時ヲ考慮セハ事實ト委員會ノ調査トハ

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一致セス甚シキ擾乱ヲ示シ居ルコト明カナルヘシ。奉天地方ニ於ケル治安維持委員會ハ九月二十四日設立セラレ、早クモ同二十六日ニハ奉天省及東三省ノ獨立ノ意圖ヲ表明スル宣言ヲ發セリ。同日撫治ハ吉林省ノ獨立ヲ宣言シ、翌二十七日哈爾賓ニ於テ治安維持委員會設立セラレタリ。更ニ十月一日張海鵬ハ熱南ニ於テ獨立ヲ宣布セリ。同十七日東邊道守使于芷山モ亦獨立ヲ宣言シ前奉帝ヲ元首トスル滿蒙國ノ創設ヲ提唱セリ。九月十八日ヨリ右等獨立運動ノ發生ニ至ル短期間ニ於テ日本官憲カ獨立開始ノ節奉ヲ協定シ、支那人、滿洲人及蒙古人ヲシテ右筋書ヲ彼等ノ自ノ計畫ナルカ如ク裝ヒ、右筋書ヲ即刻實施セシムルコトヲ得タリト想像シ得ヘキヤ。反之夙ニ在滿支那人及滿洲人首腦者ノ心裡ニ往來シツツモ從來發現ノ機會ナカリシ要望カ、該多ノ缺點ヲ有シタル政府ノ消滅ヲ機トシ自發的且自然的ニ活路ヲ見出シタルモノナリト結論スルコト、右等ノ如キ想像ヨリモ一層簡明且一層合理的ナラスヤ。

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獨立宣言ノ思想カ全然支那人、滿洲人及蒙古人ノ間ニ發生セルモノナルコトハ、該思想カ清朝復辟ノ思想トモ關係ヲ有シタルニ顧ミレハ益々明瞭アリ。例ヘハ滿洲國實業部總長張燕卿（滿洲獨立宣言ノ首謀者タリシ張之洞ノ息）ハ清朝當時ニ於ケル有名アル碩學ニシテ且政治家タリシ張之洞ノ息）及滿洲國外交部總長謝介石ハ何レモ其ノ運動時ニ清朝復辟運動ノ有力者ナリ。滿洲ハニシテ知名ノ復辟主義者タル現滿洲國府

日本側ハ之ニ關與セス

政部總長熙洽モ亦是等一派ノ首腦者タリキ。日本官憲ニ於テモ斯ル思想ノ横溢セルコトヲ承知シ居リタルハ事實ナルカ、之ニ對シ個人的ニハ同情ヲ有シタルモノアリタルモ、日本政府及關東軍司令部ハ何等之ヲ奬勵スルカ如キコトアカリキ。

右ニ關聯シ九月二十六日幣原外務大臣及南陸軍大臣カ在滿日本官憲ニ對シ、滿洲ニ於政權ヲ樹立セントスル諸種ノ企圖ニ日本人ノ關與スルコトヲ嚴禁セル訓令ヲ發シタルノ事實ヲ指摘スルコト適當ナルヘシ。

是等ノ訓令ニ辿ヒ日本武官憲ハ何レモ獨立運動ニ關與スルヲ避

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ケタルカ、其ノ具體化スルニ亞ルヤ關東軍司令部ハ之ヲ統轄スルコトヲ得サリキ。而シテ右運動ノ指導者カ其ノ計畫ヲ完成シ之ヲ開示セルニ及ンテハ、秩序維持ノ終局的責任者タル關東軍當局ニ於テ該運動カ訴訟福ヲ齎立シ一切ノ不穩分子ヲ除去スルニ至ルノ見込アルモノトシテ之ヲ重視スルヲ得サリシハ當然ナリ。報告書ハ「自治指導部」ヲ相當重要ナル處、同部ハ十一月十日ニ至リ初メテ創設セラレ支那人ノ管理下ニ在リタルモノナリ。然ルニ報告書ハ之ヲ以テ關東軍司令部第四課ノ一機關ト(ナシ「日本人ニ依リ組織セラレ且大部分ノ職員ハ日本人ニ依リ充タサルル」(九二頁)モノト爲シ居レリ。右ハ單ニ支那側證書中ノ誤說ヲ其ノ儘取入レ且之ヲ報告書ノ所謂「信憑スヘキ」證人(其ノ何人ナルヤハ分明セス)ノ言ヲ以テ强メタルモノニ過キスシテ全ク事實ニ反ス。關東軍司令部ニハ常ニ滿洲ノ政況ヲ研究スル一課存在シ、一九三一年九月十八日以後ニ於テ獨立運動ノ擡頭スルニ及ヒ其ノ職掌上右運動ニ關スル一切ノ情報ヲ

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日本軍隊ノ存在ニ基因ヲ置キタル說明

實施スルノ要アリタルハ勿論ナリ。然レトモ同課ハ既ニ十月初以來毒天省ニ於テ組織セラレタル治安維持又ハ獨立ヲ企圖セル各種委員會ノ活動ヲ統制スルノ目的ヲ以テ于冲漢ノ統率下ニ組織セラレタル「自治指導部」トハ何等ノ關係ヲ有セサリキ。

延欣伯ハ謂正委員會ニ對シ自己ノ主宰スル會カ、九月十八日直後ニ於テ獨立委員會ヲ結成シ新政府樹立ニ關スル要人ノ意嚮ヲ徴ムル爲省内各地方ニ代表ヲ派遣セル次第ヲ陳述セリ。

延後ニ執告書ハ改府ノ變革ヲ目的トスル斯種運動ハ日本軍隊ノ存在ナカリセハ遂行不可能ナリシナルヘキ旨ヲ述ヘ居レル處、日本軍隊ハ正當ノ權利ニ依リ駐在シ居ルモノニシテ、條約上ノ權利ニ基キ且直ニ出動セルモノナリ。獨立運動ハ右ノ結果發生シタル狀態ヲ利用シタルモノナリトスルモ、其ノ事實ハ同運動カ自發的ナリシコトヲ妨クルモノニ非ス。他ノ諸大陸ニ於テ外國軍隊ノ存在カ獨立ノ達成ヲ可能ナラシメタル事例、及斯クシテ達成セラレタ

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ル獨立カ何等問題トセラレサリシ事例ハ多々アリ。

「九國條約」ニ基ク權ヲ主張シタル議論

一九二二年ノ九國條約ハ締約國ニ對シ支那ノ主權侵害ヲ禁スルモノナリトノ議論アルヘキ處、右ハ正當ナル議論ナルモ此ノ場合ニハ何等ノ關係アルコトナシ。一締約國カ其ノ適法ノ權利ヲ偶々支那ノ領土内ニ於テ正當ニ行使スルモ、該國ハ右權利行使ノ結果ニ對シ責任ヲ問ハルヘキモノニ非ス。若シ其ノ結果カ支那ノ主權並ニ保全ヲ害スルコトアリトスルモ之カ責ヲ負フヘキハ該國ニ非ス。從テ假令張學良治下ノ滿洲カ眞ニ支那ノ完全ナル一部ナリシトスルモ日本ハ其ノ正當且必要ナル行動ノ結果ニ對シ責任ヲ負フコトヲ得ス。將又假ニ支那カ眞ニ滿洲ニ於テ統一アル行政ヲ行フ組織アル國家ナリトスルモ亦同樣ナリ。

要スルニ現在ノ政權ヲ自然ニシテ自發的ナル運動ノ成果ナリト認メサルコトハ滿洲國ノ提出セル一切ノ證據ヲ無視セルコトヲ示スモノナリ。滿洲國政府ノ作成シ委員會ニ提出セル「滿洲建國小史」ハ滿洲各地ニ續發セル獨立運動ニ關スル記述ヲ讀セ、

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結論

關係者ノ姓名、宣言文及決議文ヲモ掲載シ正確且卒直ナル記述ヲナシ居レリ。即チ同書ニ依レハ是等運動ニハ商業、工業、農業及教育ノ諸團體（中ニハ會員數千ニ達セルモノアリ）其ノ代表者ヲ出シ、建國會議ニ對シテハ從來ノ慣例ニ從ヒ各地方ニ於テ四個ノ代表的地方團體ノ一致ヲ以テスル代表者ヲ任命セリ。從テ一九三二年二月二十九日奉天ニ於テ新國家ノ樹立ヲ宣言シタル全滿協合大會ハ各方面ノ利益ヲ充分代表シタルモノナリ。報告書モ滿洲政府ノ施政ニ對スル民意如何ヲ確ムル爲ノ實際的方法ヲ述フルニ當リ、商會、農業組合及他ノ民間諸團體ニ依ル右ト全然同様ノ代表制度ヲ提案シ居ルハ奇ナリト言フヘシ（一三四頁）。

要之、第六章中ノ右ノ部分ニ於ケル委員會ノ論斷ハ新政權ノ根底ヲ成ス歷史的要素ニ反シ、又滿洲人民ノ間ニ存在セル感情ヲ喚起シタル心理的及物質的原因ニ反シ、且滿洲人民ノ間ニ存在シ新國家樹立ノ結果ヲ齎セル獨立運動ノ自發的性質ヲ證明セル一切ノ事實ニ反

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ス。

日本政府ハ滿洲獨立宣言ノ運動カ純正ニシテ自發的ナルト共ニ民意ニ合シ且自然的ナルモノナリシコトヲ玆ニ確信ヲ以テ反對スルモノナリ。滿蒙領土ハ往時ノ統治者ノ後裔ヲ其ノ元首ニ仰キ以テ橫暴ナル滿軍閥ノ壓制及支那本部ノ無政府狀態ヨリ確實ニ離脫セリ。獨立ヲ實現シタル主動者カ關東軍司令部ノ一機關ナリトノ主張（九二頁）、一部ノ日本官憲カ治運動ヲ助長シ組織シ且遂行シタリトノ主張（九七頁）、及日本官憲ノ活動カ滿洲國ノ創立ニ於ケル「最モ有力ナル要因」ナリシトノ主張（九七頁）ハ何レモ根據ナキノミナラス、帝國政府ノ明確ナル且明ニ反シ且何等ノ證據ニ基カサルモノニシテ、報告書ノ是等ノ主張ハ支那參與員ノ認說ヲ其ノ價値ヲ充分ニ採用シタルモノト認メラル。

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ロ、住民ノ滿洲國ニ對スル態度

委員會カ其ノ意見ヲ作成スル基礎トシテ有シタル材料左ノ如シ

委員會ノ有シタル資料

一、支那人、滿洲人、蒙古人、日本人、朝鮮人、露西亞人等ニシテ商會並ニ政治、農業及教育等ノ各界ヲ代表セル人々ヨリ成ル相當權威アル諸團體ノ發セル請願書及宣言書

二、郵便又ハ其ノ他ノ方法ニ依リ送付セラレ、多分支那人ヨリ出テタルモノト見ラルル千五百五十通ノ書信

三、實業家、銀行家、教師、警察官吏等トノ私的會談

本節ノ特徴トシテ顯著ナルハ素性知レサル支那人ノ書簡ニ對シテ過大ノ信用ヲ與ヘタルコト（是等書簡ハ二通ヲ除キテハ總テ滿洲國及日本ニ取リ不利ナリト稱セラル）、並ニ公ノ覺書及前政權ニ對スル人民ノ不滿ヲ列擧シ、其ノ要望ヲ表明セル諸種ノ責任アル團體ノ請願及宣言ヲ經覩セルコト之ナリ。

證據ニ對スル信用過度ナルカ又ハ不充分ナリ

委員會ハ新國家ノ成立ニ反對セル千五百四十八通ノ書簡ヲ受取リタリト云フモ、由來支那側宣傳振ノ猛烈ナルニ顧ミレハ書簡ノ數カ右ニ止リタルハ寧ロ意外ナリト云フヘシ。蓋シ滿洲ニハ

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約三千萬ノ人民アル處委員會ニ其ノ意向ヲ通告セルモノカ二萬人ニ付一人ニ過キストセハ、此ノ事實ハ寧ロ滿洲國ニトリ有利ナルモノニ非スヤ。他方滿洲國ヲ歡迎スル數千ノ民衆ノ諸種ノ會合ニ依リテ表示セラレ且實任アル代表及有力ナル市民ノ證言ニ依リテ支持セラレタル明白ナル證據ハ、一概ニ日本國ノ策動ニ依ル手ノ下ニ却下セラレタリ。組織的ノ「搾取」、壓迫及欺瞞政治ノ犧牲トナリ來レル人民カ、日本側ノ脅迫及買收ヲ俟ツ迄モ無ク、少クトモ彼等ノ勞働ノ成果ヲ保障セル政府ヲ是認シタルヘキハ極メテ暗易キ所ナリ。反之農民及勞働者ノ態度カ「外國人及敎育アル支那人」（一〇九頁）ノ意見ヨリシテ窺ヒ知ルコト能ハサルハ勿論ナリ。

各種階級及民族ノ意見

官吏、警察官、軍人、實業家、銀行家等爾餘ノ諸階級ニ關シテハ報告書ハ苟モ滿洲國ニ敵意ヲ有スルモノニ付テハ一々之ヲ記錄ニ止メナカラ、滿洲國ヲ支持スルモノニ付テハ利害ノ打算又ハ恐怖心ニ依リ動カサレタルニ止マリ何等愛國的理想ニ依ルモ

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ノニ非ラスヤシテ之ヲ排シ居レリ。

最後ニ報告書ハ支那人ノ滿洲國ニ對スル反感ヲ強調シ乍ラ朝鮮人、露西亞人及蒙古人カ新國家ニ對シ衷心ヨリ示シタル贊成ニ付テハ極メテ簡單ニ之ヲ說明シ去ラントシ、朝鮮人ノ新政ニ對スル歡迎ノ事實ハ認ムルモ而モ卒直ニ之ヲ爲サスシテ此ノ歡迎カ果シテ何時迄續クヘキヤト反問シ、又蒙古人ノ概シテ同情的ナル態度ヲ認メツツモ張學良ノ勢力下ニアル北京ニ於テ蒙古王族代表者ノ爲シタル一個ノ反滿洲國宣言ヲ取立テテ強調シ居リ幸ヒシテ事實ハ報告書中ノ不利ナル描寫ヨリモ遙カニ有望ナリ「滿洲建國小史」中ニ詳細ニ敍述セラレアルカ如キ新國家建設直前ノ幾多ノ大民衆示威運動ニ付再言スル迄モナカルヘク、又滿洲國反對者ノ努力ニモ拘ラス人民カ新政ニ對シ引續キ歡迎ノ意ヲ示シツツアル顯著ナル事例ヲ擧クルノ要モナカルヘシ。蓋シ新政ハ清朝覆滅以來滿洲地方住民カ初メテ享受セル文治的政府ニ對シテ、現在ノ支那ヲ支配シ居ル軍閥獨裁政治ニ比シ極メテ顯著ナル對照ヲ成スモノナリ。

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ハ、滿洲國ノ組　及將來

滿洲國ノ前報告書ニ對スル報告書ノ批評

報告書ハ第六章ニ於テ滿洲國ノ組織及其ノ政綱竝ニ同國カ其ノ獨立ヲ確保スル爲執リタル各種ノ手段ヲ敍述シタル後、次ノ如ク述ヘ居レリ。

此ノ「政府」ノ政綱ハ數多ノ自由主義的改革案ヲ包含シ、是等ノ實施ハ單ニ滿洲ニ於テノミナラス、支那ノ他ノ部分ニ於テモ亦望マシキモノナルヘシ。事實是等改革ノ多數ハ支那政府ノ政綱中ニモ亦漾ハレ居レリ。本委員會トノ會見ノ際、右「政府」ノ代表者ハ日本人ノ援助ニ依リ彼等ハ相當期間中ニ平和ト秩序ヲ確立スルコトヲ得ヘク、而シテ夫レヲ永遠ニ維持スルコトヲ得ヘシト主張セリ。彼等ハ人民ニ對シ公正ニシテ且有效ナル行政、匪賊ノ掠奪ニ對スル保障、軍費削減ノ結果タル租稅ノ輕減、通貨ノ改革、改善セラレタル交通機關及一般人民ノ政治ニ與ル權等ヲ與フルコトニ依リ、人民ノ援助ヲ獲得スルヲ得ヘシトノ信念ヲ述ヘタリ（一〇五ー一〇六

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頁）。

然ルニ拘ラズ一面右ノ如キ缺陷スヘキ材料ヲ用ヰテ他面現在ノ滿洲國政府カ其ノ政策ヲ遂行スル爲要シタル時日ノ短キヲ充分酌量シ、且既ニ講セラレタル手段ニ對シ相當ノ信ヲ置キ、猶此ノ「政府」カ財政上其ノ力ヲ加フルモノ、如キヲ示ス何等ノ徴候モ存セス、得ヘキヲ得ヘシトノ彼等ノ豫算制度及貨幣制度ノ改革實現ノ前提ニ一例ヲ擧ケンニ彼等ノ豫算制度ノ改革ノ如キ批評ハ第一章中ノ左論（一〇六頁）トノ齟齬ヲ生ス。

右ニ引用セル委員ノ批評ハ第一章中ノ左論ノ如キ批評ニ比スレハ頗ル奇異ナル對照ヲ成セリ。

現政府ハ其ノ歲出及歲入ノ均衡ニ關シ全ク時政的原則ノ遵守ヲ務メ來レリ。詰稱ノ誤枕ヘ統一セラレタル日附單位トスレハ、本次豫算制度ナキヲ以テ財政部ハ每年度ノ歲出及歲入ノ見タリ。國家財政ノ發表シ來レリ。中央銀行ハ設立ヲ見タリ。國家財政ノ改

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委員ヘ任命セラレ其ノ委員ニハ銀行及商業界ノ有力者包含セラル。財政部ヘ又徴税ノ方法未タ甚タ満足ナラサル地方ノ財政ヲ監督スルニ努メツツアリ。総テ是等ノ新ナル措置ハ政府ノ功ニ歸セラルヘキモノナリ、政府ハ数多ノ事項ニ付失敗シタルコト疑ナキモ、而モ既遂ノ業績多々アリ（一七ー一八頁）

此ノ樂觀ト態度トノ別ヘ何故ナリヤ

委員ガ列擧シタル支那ノ各種ノ改革案ハ實際上殆ト何等ノ實績ヲ擧ケ得サリシニ拘ラス、右等改革案存スルノ故ヲ以テ支那ヘ多クノ事ヲ成シ遂ケタリト賞讃セラレ居ルニ反シ、滿洲國カ不當ノ觀點ヨリ不公平ノ判決ヲ下サレ居ルハ注目ニ値ス。

特別ノ二點即チ治安及財政

日本政府ハ委員ノ悲觀的意見ノ根據ニ對シ敢テ詳細ニ亙リテ論議ヲ加ヘムトスルノ意圖ナシ。

蓋シ事實ハ言語ヨリモ雄辯ナレハナリ。只重要ナル二點、即チ日本軍ト滿洲國政府トノ協力ニ基ク治安恢復ノ措置、及同國政府ノ財政狀態ニ付理事ヘノ注意ヲ喚起セムトスルモノナリ。

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治安ノ恢復

新生ノ國家ニ於テ反動分子又ハ不平分子ノ策動ニ依リ治安ノ亂サルルハ世界共通ノ現象ナリ。殊ニ滿洲國ノ場合ニ於テハ、舊政權時代ノ巨多ノ正規軍カ該政權ノ倒壞ト共ニ分散シテ匪賊ノ巢窟トナリタル特殊ノ事情ヲ考慮セサルヘカラス。滿洲國政府ハ其ノ治安恢復ノ計畫中、是等匪賊ノ大巢窟ヲ潰滅又ハ分散セシムルコトヲ其ノ第一ノ段階トシ、ヨリ重要ナラサル殘黨並ニ土着ノ小巢窟ノ匪賊ヲ目下完成ノ途ニ在ル警察組織及其ノ他ノ行政手段ニ依リ鎭定スルヲ以テ、其ノ第二ノ段階ト爲シ居レリ。一方滿洲國政府ハ現存ノ交通機關ヲ改良シ以テ治安恢復事業ヲ容易ナラシメントシツツアリ。右第一段階ノ工作ハ、委員會カ滿洲國ニ在リタル當時以來、著シク進捗セルコトヲ述ヘサルヘカラス。卽チ新國家ニ對スル最モ手剛キ叛徒タリシ馬占山指揮下ノ部隊ハ既ニ擊滅セラレ、又李海靑指揮下ノ部隊モ既ニ敗退セリ。丁超及李杜ノ部隊ハ東文鐵道東部線北方奥地ニ驅逐セラレタリ。南滿ニ於テモ、同地方ノ治安擾亂ノ主要ナル禍源タリシ奉海線ヨリ鳴綠江岸ニ至ル地

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城ニ於ケル有力ナル匪賊團ハ、日滿聯合軍ニ依リ既ニ掃討セラレ、其ノ他ノ大巢團モ奉天、熱河兩省境ノ奥地ニ壓迫セラレ居レリ。要スルニ南北滿洲ノ近狀ハ、總括的ニ云ヘハ滿洲國政府ヲシテ前記第二ノ段階卽チ警察組織ニ依ル治安恢復ニ依ル段階ニ入ルコトヲ可能ナラシムル事態トナリツツアリ。

支那側ノ匪賊援助

滿洲ニ於ケル匪賊ノ現狀ニ付特ニ忘ルヘカラサルハ、是等兵匪カ總テ支那本部ヨリ支持ヲ受ケ居ルノ事實ナリ。是等ノ支持ニ付テハ、其ノ陰密ニ行ハルル幾多ノ事例ヲ擧クル迄モナク、滿洲ノ匪賊ヲ援助スル爲ノ資金ノ募集カ支那本部ノ各都市ニ於テ公然行ハレ居ルコトヲ指摘スレハ足ルヘシ。

犯罪ノ使嗾ニ依リ滿洲國ノ信用ヲ害セントスル策動行ハルルコト明カナリ

尙注意ヲ要スルハ、最近ニ於テ大巢團ノ活動ニ依ル治安ノ脅威ノ減少セルニ比例シテ、多數ノ小巢團ノ活動カ益々政治的策動ノ色彩ヲ帶ヒ來レルノ事實ナリ。例ヘハ最近滿洲ニ於ケル匪賊及誘拐者ノ活動ハ主トシテ外國人ヲ目標トシ、之ニ依リテ新興國ノ信用ヲ阻害セムトシツツアル處、右ハ滿洲ノ狀況カ從前ヨ

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犯罪ノ使嗾ニ依リ滿洲國ノ信用ヲ害セントスル策動行ハルルコト明カナリ

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匪賊ノ脅威ハ相當期間内ニ絶滅スルヲ得ヘシ

リモ悪化セルカ如キ外觀ヲ與ヘントスル支那側反滿洲國分子ノ計畫的策動ナリト信セラル。

最後ニ日本政府ハ滿洲ニ於ケル治安ノ完全ナル恢復ハ尚相當ノ時日ヲ要スヘキコトヲ豫想シ居ルモノナルカ、斯ノ如キハ頗ル所ナリ。然レトモ日ノ狀況ニ在ル何レノ地方ニ於テモ常ニ見ル所ナルヲ以テ足レリト思考スルモノナル本政府ハ之ト同時ニ報告書ニモ後用セラルル通、日本軍ノ存在ニ依リ、滿洲ニ於ケル主要匪賊部隊ヲ二年乃至三年以内ニ一掃シ得ヘシトノ確信ヲ玆ニ繰返スヲ以テ足レリト思考スルモノナリ。而シテ日本政府ハ、委員會カ日本側ノ態度トシテ「日本官憲ハ滿洲國警察及各部落ニ於ケル自衛團ノ組織カ匪賊ヲ消滅セシムルニ有效ナルヘキコトヲ望ミ居レリ。現在ノ匪賊ノ多數ハ元來良民ニシテ、其ノ財産ヲ總テ失ヒタル爲現在ノ職業ニ投スルニ至レルモノト信セラレ居レリ。農業ヲ再ヒ營ム機會アラハ是等ノ匪賊ハ從前ノ平和的生活ニ復歸スヘキコト望マレ居レリ」（八三頁）ト述ヘタル所ヲ玆ニ自家ノ言トシテ採用セントスルモノナリ。

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財政

滿洲國ノ財政狀態ニ關シテハ、理事會ハ滿洲國政府ノ提供セル左記資料ニ依リ、報告書中ノ悲觀的意見カ如何ニ根據無キモノナルヤヲ容易ニ了解シ得ヘシ。

歲入及歲出

一九三二年三月一日建國以來、同年（大同元年）六月三十日ノ中央收支狀況ハ、收入（各稅收入及監務關係收入）九百三十萬國、支出九百十萬國ニシテ、建國當初卽チ調査團滯滿當時ニ比シ遙カニ良好ナル成績ヲ示シタリ。

中央財政一九三二年度豫算

滿洲國ニ於テハ其ノ獨立ノ接收ヲ完了シ（六月）各省財政ヲ廢止シテ（七月）財政ノ中央集權ヲ行フ等、着々トシテ財政ノ基礎確設ニ努メタル結果、大同元年度豫算（自一九三二年七月一日至一九三三年六月三十日）ニ於テハ、歲入一億百萬國、歲出一億一千三百萬國ヲ算シ、滿洲國ノ財政的地位ハ頗ル滿足スヘキモノトナリタリ（右豫算中軍費ハ三千三百萬國ニシテ、一九三〇年度ニ於ケル獨家時代ノ軍事費一億國ノ約三分ノ一ニ過キス、又同豫算ハ一千二百萬國ノ歲入不足ヲ示シ居ルモ、一

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方同濟算ハ一千五百萬圓ノ準備ヲ計上シ居ルコトヲ考慮スル
ヲ要ス）。

中央銀行

次ニ滿洲國ノ幣制ニ付テハ、滿洲中央銀行ハ資本金三千萬圓ヲ以テ創立セラレ、開業當初當省銀行ヨリ引續キタル銀行紙幣流通高一億四千二百萬圓ニ對シ、正貨準備八千二百萬圓、保證準備六千萬圓ヲ以テ七月一日營業ヲ開始セリ。

右ニ關シ、一八八二年日本銀行カ一千萬圓ノ銀資本ヲ以テ創立セラレ、全國ニ於ケル國立銀行ノ發行紙幣ヲ統一スルニ成功シタル事實、並ニ滿洲國ノ經濟貿易人口ノ狀態等ヲ考慮セハ、右資本金額ハ十分ナリト認メラル。

通貨

滿洲國政府ニ於テハ同銀行ノ獨立性ヲ尊重シ、發券銀行トシテノ機能ヲ妨ケサル程度ニ於テ、滿洲中央銀行乃至滿洲國幣制ノ基礎不安ナリト謂フハ全然當ラス。現ニ同銀行開業以來三ケ月餘ヲ經過シ、其ノ間紙幣ハ完全ニ本位價値ヲ維持シ、通貨ハ全ク安定シ、其ノ流通極メテ順調ナリ。

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右ハ張家時代ノ實情ニ對シ顯著ナル對照ヲ成スモノナルコトヲ知ルヘシ。

滿洲ハ輸出超過國ニシテ、毎年多額ノ銀ノ流入アルヲ以テ將來ト雖モ其ノ貨幣價値ノ維持ニハ何等ノ不安無カルヘシト認メラル。

滿洲國ノ將來ニ關スル日本政府ノ意見

尙日本政府ハ滿洲國ノ將來ニ關シ、慎重ナル考慮ニ基ケル其ノ意見ヲ玆ニ強ク述ヘ置カント欲ス。

滿洲國ハ廣大ナル領土及多數ノ人口ヲ有スルニ加ヘ、天然ノ國境ニ圍マルルノ有利ナル地位ニ在リ。同國ハ凡ユル國際約定ハ、其ノ滿洲ニ適用シ得ヘキ限リ之ヲ尊重シ、且門戸開放及機會均等ノ原則ヲ忠實ニ遵守スヘキ旨ヲ自發的ニ聲明セリ。同政府ハ排外的感情ヲ有セス、又夫ニ於ケルカ如キ共產主義ノ災禍ナシ。固ヨリ滿洲國ハ今猶幼年時代ニ在リ、支那ニ關スル凡ユル悲觀的材料ニモ拘ラス同國ニ對シ多大ノ同情ヲ示シタル委員會ハ創痍後六ケ月ニ滿タサル國家ニ對シ多少ノ忍耐ヲ示シテコソ公正ナル態度ト稱スヘキナリ。

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日本カ滿洲國ヲ支配スルトノ示唆

報告書ハ其ノ日本政府ニ關スル記述中、滿洲國ノ一切ノ政治的及行政的權力ハ日本人官吏及顧問ノ手中ニ在リトノ全然理由ナキ推測ヲナシ、又是等ノ官吏ト東京政府トノ間ニ時ニ意見ノ相違アリタル旨ヲ記スル一方、軍事占領ノ事實及滿洲國ノ主權及獨立ノ維持カ日本軍隊ニ依倚シ居レリトノ理由ヲ以テ、日本人官吏ハ滿洲國政府ニ對シ不可抗力ノ壓力ヲ加フル凡ユル方法ヲ有スト述ヘ居ル處、日本政府ハ斯クノ如キ盲說ニ對シ敗テ反駁ヲ加フルヲ潔シトセス。

是等斷定ハ誤解ヲ招キ易シ

斯ル非難カ國際聯盟ノ注意ヲ惹キ得サルヘキヲ信ス。蓋シ現在ニ於テモ亦過去ニ於テモ、一般ニ獨立國トシテ認メラレタル國家ニシテ、多數ノ外國人官吏ヲ傭聘シ、又ハ其ノ領土內ニ他國軍隊ヲ駐屯セシムルモノ多數アリ。聯盟國ハ最近ニ於テ、一國內ニ於ケル外國軍隊ノ存在カ同國ノ聯盟加入ニ對スル何等ノ障害ヲ成スモノニ非サルコトヲ認メタリ。

一九三二年

最後ニ、報告書ハ日本ト滿洲國トノ關係ヲ明瞭ナラシムルニ當

PURL: http://www.legal-tools.org/doc/e29c19/

報告書ハ其ノ日本政府ニ關スル記述中、滿洲國ノ一切ノ政治的及行政的權力ハ日本人官吏及顧問ノ手中ニ在リトノ全然理由ナキ推測ヲナシ、又是等ノ官吏ト東京政府トノ間ニ時ニ意見ノ相違アリタル旨ヲ記スル一方、軍事占領ノ事實及滿洲國ノ主權及獨立ノ維持カ日本軍隊ニ依倚シ居レリトノ理由ヲ以テ、日本人官吏ハ滿洲國政府ニ對シ不可抗力ノ壓力ヲ加フル凡ユル方法ヲ有スト述ヘ居ル處、日本政府ハ斯クノ如キ盲說ニ對シ敢テ反駁ヲ加フルヲ潔シトセス。

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九月十五日ノ議定書

リテ委員會ノ經驗シタル困難ヲ强調シ居レル處（一〇六頁）、今ヤ右困難ハ一九三二年九月十五日ノ議定書ノ署名ニ依リテ消失セリ。本議定書ハ次ノ如シ。

日本國ハ滿洲國カ其ノ住民ノ意思ニ基キテ自由ニ成立シ獨立ノ一國家ヲ成スニ至リタル事實ヲ確認シタルニ因リ

滿洲國ハ中華民國ノ有スル國際約定ハ滿洲國ニ適用シ得ヘキ限リ之ヲ尊重スヘキコトヲ宣言セルニ因リ

日本國政府及滿洲國政府ハ日滿兩國間ノ善隣ノ關係ヲ永遠ニ鞏固ニシ互ニ其ノ領土權ヲ尊重シ東洋ノ平和ヲ確保センカ爲左ノ如ク協定セリ

一　滿洲國ハ將來日滿兩國間ニ別段ノ約定ヲ締結セサル限リ滿洲國領域內ニ於テ日本國又ハ日本國臣民カ從來ノ日支間ノ條約、協定其ノ他ノ取極及公私ノ契約ニ依リ有スル一切ノ權利利益ヲ確認尊重スヘシ

二　日本國及滿洲國ハ締約國ノ一方ノ領土及治安ニ對スル一

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切ノ脅威ハ同時ニ締約國ノ他方ノ安寧及存立ニ對スル脅威タルノ事實ヲ確認シ兩國共同シテ國家ノ防衛ニ當ルヘキコトヲ約ス之カ爲所要ノ日本軍隊ハ滿洲國內ニ駐屯スルモノトス

國際義務ニ違反セス

本諒定書ノ何レノ規定モ、又新政府ニ對スル如何ナル協力行爲モ、日本ノ國際義務ニ何等違背スルコトナキハ之ヲ指摘スルノ要ナカルヘシ。華府九國條約ニ依リ日本ハ支那ノ主權及其ノ領土的行政的保全ヲ尊重スルノ約束ニ參加セリ。然レトモ右約束ハ支那ヲシテ國家生存上通常發生スル事故ヨリ免カレシムルコトヲ目的トスルモノニ非ス、又右約束ハ支那國民ヨリ自決ノ權利及健全ニシテ滿足スヘキ政府ヲ樹立スルノ權利ヲ剝奪スルコトヲ目的トスルモノニ非ス。從テ其ノ當然ノ歸結トシテ、右約束ハ各締約國ヲシテ國際修交上ノ必要ニ基キ既成ノ事實ヲ承認スルコトヲ妨クルモノニ非ス。將又之ト同樣ニ、國際聯盟規約第十條モ亦「外部ヨリノ侵略ニ對シ」聯盟國ノ領土ノ保全ヲ尊

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重シ且ツ擁スルヲ目的トスルモノナル處、國内ノ發展ニ依リ聯盟國ノ領土ノ保全カ害セラルルコトアリトスルモ、規約中ニハ之ヲ承認セムトスル他ノ聯盟國ノ權利及義務ヲ妨クル何等ノ規定ナシ。之ニ反スル解釋ヲ固執スルハ、歐洲ニ於ケル多數諸國及米大陸ニ於ケル大多數ノ國家存立ノ基礎ヲ否定スル結果トナルヘシ。

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日本ノ主張

叙上日本政府ノ述ヘ來レル所ハ之ヲ要約スレハ左ノ諸點ニ歸着ス。

支那ノ現狀ハ國際法ノ認メタル國情ニ非ス

第一、支那カ一九一一年ノ革命以來今日ニ至ル迄無政府ニ近キ混亂狀態ニ在ルコト、而シテ同國ハ斯ル事態カ持續スル限リハ國家的崩壞ノ狀態ニ在リト見ルノ外ナキコト、少クトモ現下ノ事態ニ於テハ支那カ統一ニシテ永續性アル中央政府ヲ有スルニ至ル時期ノ到來ハ、假ニ到來スルトスルモ其ノ何時タルヤハ到底豫斷スルノ不可能ナルコト。

外國人生命財産ノ安全無シ

第二、右狀態ノ結果トシテ支那ハ外國人ノ生命財産ニ對シ充分ナル保護ヲ與ヘ得サルコト、殊ニ近年ニ於テ内爭ノ深刻化及國民黨ノ外國ニ對スル所謂「革命」外交政策實施ノ結果、前記ノ狀況ハ益々著シクナレルコト。

其ノ結果タル列國ノ自衛權ノ縮小

第三、從テ諸外國ハ支那ニ於テ治外法權、租界、駐屯軍ノ維持内水ニ於ケル軍艦ノ常駐ト云フカ如キ今日世界ノ他ノ部分ニ於

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繽的行使　テハ其ノ類ヲ見サル例外的權力及特權ノ行使ヲ繼續シ居ルコト

日本ハ特ニ被害ヲ受ケタリ　第四、支那ニ剩益ヲ有スル諸外國ハ支那ノ無政府狀態及排外政策ニ依リ均シク被害ヲ受ケタルモ最大ノ被害者ハ日本ナリシコト。

日本ハ滿洲ト緊密ナル關係ニ在リ　第五、日本ハ滿洲ト歷史的及地理的ニ最モ緊密ノ關係ニ在ルコト、同地方ニ於テ莫大ナル經濟的利益ニ加フルニ重要ナル條約上ノ權利ヲ有シ且多數ノ居留民ヲ有スルコト、加之國家安全ノ見地ヨリ政治上及戰略上滿洲ニ對シ重大ナル關心ヲ有スルコト妥之日本ノ滿洲ニ於ケル地位ハ世界ノ他ノ部分ニ比類ナキ例外的且特殊ノモノナルコト。

日本ノ權益ニ對スル侵迫　第六、近年奮滿洲官憲カ右特殊地位ヲ覆滅セントスル意圖ヲ以テ各種ノ策動ヲ爲シ、殊ニ張學良ノ國民政府トノ接近後ニ於テハ日本ノ權益ニ對スル侵迫ハ益々頻繁且熾烈トナリ來リ、形勢緩和ニ對スル日本側自方ノ努力ニモ拘ラス益戒ヲ要スヘキ緊張狀態ヲ招來セルコト。

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第七、九月十八日事件ハ右ノ如キ緊迫セル空氣ノ裡ニ起レルコト、該事件ノ當時又ハ其ノ後ニ於テ日本軍ノ執リタル措置ハ何レモ自衛權ノ範圍ヲ逸脫セルモノニ非サリシコト、公平ニ見テ日本ト同一狀況ニ置カルルモ同一ノ行動ニ出テタルヘキコト。

第八、滿洲カ支那本部ニ對シ常ニ地理的及歷史的ニ別個ノ地位ニ在リタルコト、其ノ住民カ張家ノ暴政ヲ憎惡シ同地方ヲ支那本部ノ政爭ノ渦中ニ投スルノ政策ニ反對セルコト、右地理的歷史的事情及住民ノ張家ニ對スル反對ハ相俟ツテ所謂「保境安民」運動トナリタルコト、滿洲國ノ創設ハ右運動及滿朝復辟運動ヲ主動力トシタル滿洲住民ノ自發的行爲ニ基クモノナルコト、滿洲國ハ堅實ナル政策ノ下ニ着實ナル進歩ヲ爲シ其ノ將來ハ極メテ有望ナルコト、最後ニ滿洲國ノ建設ニ對シ日本ノ執リタル態度乃之ヲ正式承認スルニ至レハ何等國際的ニ反セサルコト

日本ノ軍事行動ハ正當ナリ

滿洲ハ支那本部ト別個ノ地位ニ在リタリ又張家ノ暴政排斥及自決ノ主張ハ自發的民衆行動ナリ

承認ハ如何ナル國際約定ヲモ侵犯セス

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約

説

要スルニ問題ヲ正當ニ了解センカ爲ニハ左ノ二點ヲ念頭ニ置ク

支那ノ事態ハ則チ、第一ニ、支那ノ事態ハ極メテ變則的ニシテ近代ヲ要ス、卽チ、第一ニ、支那ノ事態ハ極メテ變則的ニシテ近代

的ナル事態ハ特殊ノ自國ノ資格ヲ認メ難ク、從テ諸外國ハ其ノ權

的ナル國家トシテノ資格ヲ認メ難ク、從テ諸外國ハ其ノ權

益ノ自ラ擁護スル爲支那主權ノ制限ヲ生セシメタリ多數ノ直要ナ

益ヲ自ラ擁護スル爲支那主權ノ制限ヲ來スカ如キ例外的權力及

特權ヲ保有スルノミナラス必要ニ應シ、隨時之ヲ行使スルヲ常

トセルコト、及第二ニ、對外關係ニ於ケル支那ノ特徴ハ之ヲ日

滿關係ニ付テ見ルニ、日本ノ特殊地位及滿洲ト支那本部トノ特殊ノ

關係ニ鑑ミ特ニ著シキモノアルコト之ナリ、而シテ特ニ强調ヲ

要スルハ玆上支那問題ノ複雜性及變則的特色ハ他

ニ其ノ比類ヲ見サルノ一事ナリ、從テ之カ處理ニ當リテハ普通

國際問題ニ對スル一般的方式ヲ其ノ儘適用スルコト困難ナルト

共ニ、所謂變則的問題ニ關スル手續又ハ結局到達セラルヘキ如

何ナル解決方法モ通常ノ國際紛爭ニ對スル先例トハナラサルモ

ノナリ、此ノ點ニ關シ報告書第カ章冒頭ニ左ノ如ク述ヘ居ルハ

常規ヲ以テシテハ右變則的事態ヲ律スルニ足ラス

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前章ノ記者ニトリテハ本紛爭ニ包含セラルル諸問題ハ、往々稱セラルルカ如ク簡單ナルモノニ非サルコト明白ナルヘシ。卽チ問題ハ極度ニ複雜ナリ。一切ノ事實及其ノ史的背景ニ關スル徹底セル知識アルモノノミ事態ニ關スル確定意見ヲ表示シ得ル資格アリト謂フヘキナリ。本紛爭ハ一國カ國際聯盟規約ノ提供スル調停機會ヲ擧メ利用シ盡スコトナクシテ他ノ一國ニ宣戰セル事件ニ非ス、又一國ノ國境カ隣接國ノ軍隊ニ依リ侵略セラレタルカ如キ簡單ナル事件ニモ非ス、何トナレハ滿洲ニ於テハ世界ノ他ノ部分ニ於テ正確ナル類例ヲ見サル幾多ノ特殊事態存スルヲ以テナリ（一二六頁）。

以上ハ支那問題殊ニ滿洲問題ニ關スル日本政府ノ基本的見解ナルカ、茲ニ右見解ニ基キ報告書第九章及第十章中ノ諸點ニ付述フル所アラムトス。

第九章中ノ一節ニハ「單ナル原狀恢復カ問題ノ解決タリ得サルコトハ既ニ吾人ノ述ヘタル所ニ依リ明カナルヘシ。蓋シ本紛爭

敍上日本側主張ノ演繹

報告書ハ單ナル原狀恢復ヲ排斥ス

PURL: http://www.legal-tools.org/doc/c29c19/

カ去ル九月前ニ於ケル狀態ヨリ發生セルニ順ヒ該狀態ノ恢復ハ單ニ紛糾ヲ繰返ス結果ヲ招來スルニ止マルヘク、斯クノ如キハ全問題ヲ理論的ニ取扱ヒ事態ノ現實性ヲ閑却スルモノナリ」(二二七頁)トノ記載アリ。

日本政府ハ右記述ニ對シ無條件ニ同意ヲ表スルモノナルモ、同章中滿洲ニ於ケル現政權ノ維持及承認モ亦均シク不滿足ナリトナシ居ル點ハ之ニ同意スルヲ得ス。假ニ報告書記載ノ事實ヲ全部眞ナリトスルモ、之カ當然ノ歸結トシテ右ノ如キ論斷ニ遵スルコトハ不可能ナリト云ハサルヘカラス。滿洲國ノ維持及承認ヲ基礎トスル解決カ何等國際義務ノ根本原則ニ違反スルモノニ非サルコト、又斯ル解決カ滿洲住民ノ希望ヲ滿足スルモノナルコトハ既ニ述ヘタル通リナリ。加之究極ニ於テハ支那國民自身モ斯種解決ニ依リテノミ日支ノ關係ヲ安定シ東洋ノ平和ヲ確保シ得ヘキコトヲ了解スルニ至ルヘキハ日本政府ノ確信スル所ナリ少クトモ既ニ一度其ノ成立ヲ見且着々健實ナル發達ヲ遂ケツツ

滿洲國ノ維持ハ必要缺クヘカラス

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アル滿洲國ヲ解釋スルコトカ、果シテ「現實ノ事態」ニ適應スル所以ナリトハ到底首肯スルコトヲ得ス、問題ノ處理調整ハ現實ノ事情ニ即スルヲ要スルニ鑑ミ、滿洲國存在ノ嚴肅ナル事實ヲ無視シ又ハ同國ヲ國際條約ノ圏外ニ置クハ斷シテ衡ノ得タルモノニ非サルコト日本政府ノ信シテ疑ハサル所ナリ。

日本ハ滿洲ノ安全ニ付特ニ關心ヲ有ス。

日本ハ滿洲ニ於テ重大且特殊ナル地位ヲ占ムルヲ以テ、同地方ノ事態及日滿ノ關係ヲ不定不安ノ狀態ニ放置スル能ハス。敍上ノ諸理由ニ依リ日本政府ハ滿洲國ニ對シ各國カ直ニ承認ヲ與ヘ其健ノ實ナル發達ノ爲協力ヲ吝マサルコトカ該モ現狀ニ適應スル所以ニシテ、且滿洲ノ事態ヲ安定シ延イテ極東ノ平和ヲ齎スヘキ唯一ノ解決方法ナリト思考スルモノニシテ、假ニ他國カ日本ト同一地位ニ在リタリトセハ必スヤ同一ノ結論ニ到達シ且同一ノ方途ヲ辿リタルヘキコトヲ確信ス。之即チ日本政府カ敍上根本的考慮ニ立脚シ、兩國間ノ關係ヲ明定セル九月十五日ノ日滿議定書ニ署名シタル所以ナリ。右議定書締結ノ結果日本ノ在

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滿洲ヲ擁護シ、滿洲國ノ領土ヲ保全シ及內外ノ脅威ニ對シ其ノ安全ヲ確保スルノ基礎ハ談笑ノ間ニ確立セラレ、極東平和ノ維持ニ對シ新ニ有力ナル保障ヲ與ヘタリ。

此ノ點ニ關シ報告書第十章冒頭ノ一節ヲ玆ニ引用スルコト適當ナルヘシ、

事態刻々ノ進展ヲ注視スヘキコト

吾人カ國際聯盟ノ諸原則、支那ニ關スル諸條約ノ精神及字句竝ニ平和ノ一般的利益ヲ顧念スルト共ニ他方現實ノ事態ヲ看過スルコトナク、且東三省ニ現存シ目下發展ノ過程ニ在ル行政機關ヲ考慮ニ入レタルハ一ニ此ノ目的ニ出ツルモノナリ。

事態カ如何ニ決着スルトモ、刻下滿洲ニ於テ實成セラレツツアル一切ノ健全ナル力ハ其ノ理想タルト行爲タルトヲ問ハス總テ之ヲ利用シ、以テ支那及日本兩國間ノ永續的了解ヲ確保センコトスル目的ヲ以テ、本報告書中ノ諸提議カ今猶日々ニ進展シツツアル事態ニ如何ニ擴張シ適用セラルヘキカヲ決定スルコトハ、世界平和ノ至高ナル利

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会ノ為理事會ノ職能ナルヘシ（一三二頁）。

右委員會ノ意見ヲ參酌シツツ報告書ヲ檢討スルニ當リ、聯盟理事會ハ恐ラク其ノ後ニ於ケル事態刻々ノ推移ニ關シ充分ナル理解ト滿足ナル情報ヲ希望スルナルヘク、而シテ右事態ノ推移ハ支那本部ニ於テハ依然トシテ混亂ヲ續續スル一方、滿洲國ニ於テハ着々發達ノ遂ケラレツツアル事實ヲ示スモノナリ。日本政府ハ理事會ニ對シ此ノ上トモ必要ナル情報ヲ供給シ、以テ本意見書緒言ニ述ヘタルカ如ク各理事ヲシテ此ノ複雜ナル事態ノ全

報告書提議ノ批判

貌ヲ充分ニ把握セシメムトスルノ用意アリ。

報告書ハ第十章中ニ若干ノ提議ヲ爲シ居レル處、同章ハ「現在ノ紛爭ヲ解決スル爲支那及日本兩國政府ニ直接ニ勸告ヲ提出スルコトハ本委員會ノ職能ニ非ス」（一三二頁）トノ記述ヲ以テ始マリ居リ、右ハ委員會ノ所定任務ニ顧ミ當然ノコトニ屬ス。

又是等ノ提議カ單ニ第九章掲記ノ諸原則ヲ實現スヘキ各種方法中ノ一例トシテ爲サレタルモノナルコトハ報告書モ之ヲ明カニ

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シ居リ、委員會自身モ右提議カ臨時ノ試案ニ過キサルコトヲ認メ左記ノ如ク附加シ居レリ。

假令日本ノ「滿洲國」ニ對スル正式承認カ「ジユネーヴ」ニ於ケル本報告書ノ審議以前ニ行ハルルコトアリトスルモ（右ハ吾人ノ無視シ得サル事實ナルカ）吾人ハ吾人ノ事業カ徒勞ニ歸スヘシトハ思惟セス。吾人ハ孰レニセヨ理事會ハ本報告書カ滿洲ニ於ケル關係兩大國ノ死活的利益ヲ滿足セシムルノ目的ヲ以テスル理事會ノ決議又ハ右兩大國ニ對スル勸告ニ有用ナルヘキ諸提議ヲ包含スルコトヲ見出スヘシト信ス（一三二頁）。

換言セハ、委員會ハ日本ノ滿洲國承認ノ場合ニ於テモ是等提議ニ幾分ノ價値ヲ存スヘシトノ曖昧ナル語法ヲ用フルコトニ依リ右承認ノ場合該提議ノ價値ハ多少疑シキモノトナルヘキコトヲ認メタル次第ナリ。從テ右ニ關シ詳細ナル論議ニ入ルハ其ノ必要ナキモノノ如クナルモ、事ノ眞相ヲ更ニ明瞭ナラシメムカ爲

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二三ノ要點ニ關シ左ニ簡單ナル意見ヲ附加スヘシ。

(イ) 後述ノ如ク第九章中ノ原則第十ハ支那本部ノ國際管理ニ
ニ終ルノ虞アリ、第十章中ノ諸提議ハ右ニ比シ更ニ重要ナ
ルモノナルカ、該提議モ亦之ヲ實施スルニ於テハ滿洲ノ假
裝的國際管理ニ等シク、右ハ滿洲國ノ容認セサルヘキハ勿
論日本ノ立場ヨリスルモ受諾スルヲ得ス。

(ロ) 又是等提議ハ餘リニ精緻煩雜ニ過クルノ嫌アリ。蓋シ之
ヲ歐米諸國ニ適用スルニ於テハ不可ナカラムモ極東ノ現狀
ニハ適セス。委員會ノ提出セル如キ案ハ紛爭當事國カ共ニ
鞏固且信頼シ得ヘキ中央政府ヲ有スルコトヲ最少限度ノ前
提要件トス。滿洲問題ノ如キ前例無キ複雜性ヲ有スル問題
ニシテ、而モ當事國ノ一方カ鞏固且信賴シ得ヘキ中央政府
ヲ有セサル場合、斯ル案ヲ適用セントスルカ如キハ徒ニ事
態ノ紛糾ヲ增スニ過キサルモノナリ。

(ハ) 日本政府ハ滿洲ノ軍備ヲ撤廢シ、特別ノ國際憲兵隊ノ

ニ依リ同地方ノ平和ト秩序トヲ維持センコトスルカ如キ条ハ現實ノ事態ニ全然適合セサルモノト認メサルヲ得ス、歐洲ニ於テサヘ斯ル制度ニ依リ滿洲ニ比スヘキ廣大ナル地域ニ亙リ平和ト秩序トヲ充分ニ維持シ得ヘキヤハ疑問アリ、斯ノ如キハ寧ロ滿洲住民ノ希望ニ副フ所以ニ非ルト共ニ日本ノ極力防止セムトスル該地方ノ不安ト混亂トヲ醸成スルノ虞アリ、日本政府トシテハ重大ナル危惧ノ念ヲ抱カサルヲ得ス。要スルニ右ハ委員會ヲ挫セル原、然、仮令ニ比シ事態ヲ悪化スルコト更ニ大ナルモノアリ到底不滿足ナルヲ免レス。

十原則ノ批判

具體的提議ニ對スル批判ハ以上ニ止メ、更ニ有々抽象的事項即チ右提議ノ基礎タルヘキ紛爭解決ニ關スル諸原則ニ論及スヘシ。委員會ハ第九章中ニ「如何ナル滿足ナル解決方法ト雖モ抜キ一般的原則」ヲ明カニスルニ努メ居レル處、第十章ノ解決案ハ思フニ之ニ準據シテ作製セラレタルモノト認メラレル。而シ

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テ是等原則中日本以府ニ於テ裕別ノ反對ナキモノハ既ニ日清議定書ニ於テ二三之カ適用ヲ見タリ。支那問題ニ對シ如何ナル見地ニ立ツモ同國ニ於テ無政府狀態ノ存續スル限リ、第一乃至第カノ原則殊ニ第四乃至第カニ基キ問題ノ滿足ナル解決ニ到達スルコトノ不可能ナルハ明カナルヘシ。蓋シ右カ原則ハ原則第十ノ示スカ如ク「支那ニ於テ鞏固ナル中央政府ナクシテハ」實際ニ適用スルコト能ハサルモノナリ。支那ニ於テ鞏固ナル中央政府ヲ招來センカ爲同國ノ內部的改造ニ對スル國際協力ノ望マシキコト勿論ナルモ、此ノ目的ヲ以テスル國際協力ハ（技術的援助ハ別トシテ）、支那ノ國際管理ノ形式ニ陷スルニ非スムハ之ヲ成就スルコト極メテ困難ニシテ殆ント其ノ望ナキニ近シ。假ニ百歩ヲ讓リ、右ノ如キ國際協力カ可能ナリトスルモ之リ依リテ直ニ鞏固ナル中央政府ノ實現ヲ見ルヘキヤハ頗ル覺束ナシ。日本ハ滿洲問題解決ノ爲ニハ斯ノ如キ事態ノ出現ニ萬一ノ望ヲ賭シ武手シテ時日ヲ空過スルヲ得ス。

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滿洲國ニ對スル同情無キ態度ニ依リ滿洲ノ安定攪亂セラルル危險

以上縷述シ來レルカ如クナルヲ以テ、苟モ現ニ恢復ノ一途ニ在ル平和ト秩序トヲ破壞スルノ虞アルモノハ如何ナル柔ト雖モ新ナル紛爭ト困難トヲ招來スヘキヤ必セリ。果シテ然ラハ初メテ滿洲ノ事態ノ安全ニ努ムルコトコソ眞ノ經濟ニ非スヤ。又過去二十年ノ永キリ亙リ支那ノ再與ニ關シ多大ノ忍耐ト同情トヲ表示セル世界ハ、宜シク滿洲新國家ニ對シテモ今少シク理解ト希望トヲ以テ之ヲ迎フヘキニ非スヤ。滿洲問題ニシテ一度解決ヲ見ムカ支那問題自體ノ得決ハ著シク單純化セラルヘシ。滿洲ニ於ケル平和及善政ノ現出カ支那ニ對シ好個ノ指針ヲ示シ、同國ノ態度ニ好影響ヲ與ヘ、其ノ内外政策ヲ鞏健化シ、其ノ結果支那國民ニ幸福ヲ齎スハ固ヨリ列國モ亦之カ惠福ヲ頒ツヘキコト疑ヲ容レサル所ナリ。

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LEF DOC # 189

文書成立ニ関スル証明書

（五號）

自分ハ国際聯合研究會理事長ノ職ニ在ル者ナルガ、茲ニ添附セル日本語及英語ニ依リ印刷セラレ一三八頁ヨリ成ル「リットン」報告書ニ關スル帝國政府意見書ト題スル印刷物ハ日本國政府ノ文書ニ基キ国際聯盟協會ノ執行ニ係ル文書ノ一ナルコトヲ證ス

昭和二十二年　一月二十一日　於東京

社團法人国際聯合研究會
理事長　坂　内　　介

右署名並ニ印ハ自分ノ面前ニ於テ爲サレタルモノナルコトヲ證ス

同日於同所

立會人　松　下　正　壽

PURL: http://www.legal-tools.org/doc/c29c19/

DF 100 # 190 Translated by Defense Section Language Branch

not used

STATEMENT OF THE VICE MINISTER OF NAVY

(Issued at 7.00 p.m. Dec.26, 1937)

The "Panay Incident" has been brought to a conclusion with today's reply of the American ambassador to our foreign minister. This was due to the fact that, in spite of the flood of misleading propaganda, the government and the people of America were fair and gained an insight into the facts of the incident, and that they understood our sincerity. The Imperial Navy which is responsible for this incident is greatly pleased. The Imperial Navy also wishes to express the hearty gratitude towards our people for maintaining calmness and responsibleness eversince the occurence of the incident.

In the future our Navy will, more than ever, exercise discretion so that this type of incident will not recur. At the same time, we dedire that the entire Japanese people give full support at this time in "turning a misfortune into a blessing", that is in clearing up the various misunderstandings and suspicions which exist between Japan and other nations in regard to the China Incident and in bringing about better understanding and goodwill.

PURL: http://www.legal-tools.org/doc/c29c19/

DEF DOC # 190

C E R T I F I C A T E

Statement of Source and Authenticity

I, H.YABUI, Akoru, Chief of the Archives Section, Japanese Foreign Office, hereby certify that the document hereto attached in Japanese consisting of 1 page and entitled "Statement of Vice Minister of Navy, December 26, 1957" is an exact and true copy of an official Document of the Japanese Foreign Office.

Certified at Tokyo
on this 5th day of December 1948.

A. Hayashi
Signature of Official

Witness : Naocharu Odo

TRANSLATION CERTIFICATE

I, William L. Clarke, of the Defense Language Branch, hereby certify that the foregoing translation described in the above certificate is, to the best of my knowledge and belief, a correct translation and is as near as possible to the meaning of the original document.

/s/ William L. Clarke

Tokyo, Japan
Date. 13 January 1947

PURL: http://www.legal-tools.org/doc/c29c19/

not used

DE F DOC # 190

海軍次官談　（昭和十二年十二月二十六日午后七時發表）

「パネー」號事件ハ本日米國大使ヨリ外務大臣ニ致セル回答ヲ以テ一段落ヲ告ケタル次第ナルガ右ハ事件發生以來各種誤解宣傳ノ渦中ニ於テ米國政府並ニ其ノ國民ガ公正明察克ク事件ノ實相ト我方ノ誠意トヲ正解シタルニ依ルモノニシテ事件ノ責任者タル帝國海軍トシテ次ニ欣快ニ堪ヘス又本事件發生以來我國民カ終始冷靜ニシテ理解アル態度ヲ持シタルヲトニ對シ深ク感謝セル謝意ヲ表スルモノナリ。

今後我海軍ハ益々自重自戒以テ此種事件ノ根絶ニ萬全ヲ期スルハ勿論ナルカ一方戸ニ此ノ様ナ事件ヲ繰リ返シ帝國ト第三國トノ間ニ介在スル各種ノ誤解疑念ヲ一掃シ益々理解ト親善トニ資スル以テ禍ヲ轉シテ福トナスニ當リ我國民一致ノ協力ヲ切望シテ已マサル次第ナリ

Not used

DE F DOC # 191

STATEMENT OF THE SPOKESMAN OF THE FOREIGN OFFICE,
DECEMBER 18, 1937.

Concerning the deeply regrettable occurrence of the sinking of the American gunboat PANAY through a mistake on the part of the Japanese force, the Imperial Japanese Navy have expressed their profound regret and concern over the matter. In connection with this, they have decided to detail a company of bluejackets on the spot to honor the dead. In the meantime, the members of the Third Fleet of the Japanese Navy, who are stationed in the waters in the vicinity of Shanghai, have decided to collect among themselves a sum of ¥ 5,000, to be contributed towards the Naval Fund of the United States.

The sentiment dominant among the Japanese Navy is that the sinking of a man-of-war, even though by mistake, is a matter to be greatly deplored. They further express their heartfelt appreciation to the American Navy on the spot who are maintaining a calm attitude with regard to the regrettable affair, and it is their earnest hope that this unfortunate occurrence will prove in the end to have served as a step, though grievous in itself, towards a rapprochement and a still closer understanding and mutual sympathy between the Navies of the United States and Japan.

PURL: http://www.legal-tools.org/doc/c53811/

Not used

DF F DOC # 191

STATEMENT OF THE SPOKESMAN OF THE FOREIGN OFFICE,
DECEMBER 18, 1937.

Concerning the deeply regrettable occurrence of the sinking of the American gunboat PANAY through a mistake on the part of the Japanese force, the Imperial Japanese Navy have expressed their profound regret and concern over the matter. In connection with this, they have decided to detail a company of bluejackets on the spot to honor the dead. In the meantime, the members of the Third Fleet of the Japanese Navy, who are stationed in the waters in the vicinity of Shanghai, have decided to collect among themselves a sum of ¥ 5,000, to be contributed towards the Naval Fund of the United States.

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PURL: http://www.legal-tools.org/doc/c53811/

DEF DOC # 191

C E R T I F I C A T E

Statement of Source and Authenticity

I, HAYASHI, Kaoru, Chief of the Archives Section, Japanese Foreign Office, hereby certify that the document hereto attached in English consisting of 1 page and entitled "Statement of the Spokesman of the Foreign Office, December 18, 1937." is an exact and true copy an official Document of the Japanese Foreign Office.

Certified at Tokyo.

on this 3rd day of December, 1946.

(Signed) K. Hayashi
Signature of Official

Witness: (Signed) Nagaharu Odo

PURL: http://www.legal-tools.org/doc/c53811/

[illegible] DOC # 193 [illegible]

R7

Excerpt from the Robert Commission's Report
on the Pearl Harbor Disaster

Washington, January, 23, 1942.

The President,

The White House.

Sir: The undersigned were appointed by Executive Order of December 18, 1941, which defined our duties as a commission thus:

Findings of Fact III

It has been well known that the policy of the United States as to affairs in the Pacific was in conflict with the policies of other governments. It was realized by the State, War and Navy Departments of the United States that unless these policies were reconciled war in the Pacific was inevitable.

Findings of Fact IX (Excerpt)

Army Message of November 27

The responsible commanders in Hawaii knew that negotiations had been continued through October and November, and were awaiting further developments. November 27, 1941, the Chief of Staff of the Army informed the commanding general, Hawaiian Department, that the negotiations with Japan seemed to be ended with little likelihood of their resumption; that Japanese action was unpredictable; that hostilities on the part of Japan were momentarily possible; that in the event hostilities could not be avoided the United States desired that this nation should not commit the first overt act; the Department commander was not to be restricted to any course which would jeopardize [illegible] his defense.

PURL: http://www.legal-tools.org/doc/1fcab7/

The message directed him, even prior to hostile action, to undertake such reconnaissance and other measures as he deemed necessary, but to carry them out in such a way as not to alarm the civil population or disclose his intent. He was directed to the information contained in the message to the minimum of essential officers and to report to the Chief of Staff the measures taken. The purport of this message was communicated by the department commander to the Commander in Chief of the Pacific Fleet.

On the same day (November 27, 1941) the Chief of Military Intelligence sent a message to the Intelligence Officer on the staff of the Commanding General, Hawaiian Department, directing him to inform the commanding general and his Chief of Staff that negotiations with Japan had practically ceased; that hostilities might ensue, and that subversive activity might be expected.

On the same day(November 27, 1941) the Chief of Naval Operations sent a message to the Commander in Chief of the Pacific Fleet, which stated in substance that the dispatch was to be considered a war warning; that the negotiations with Japan in an effort to stabilize conditions in the Pacific had ended; that Japan was expected to make an aggressive move within the next few days; that an amphibious expedition against either the Philippines, Thai or Kran Peninsula, or possibly Borneo, was indicated by the number and equipment of Japanese troops and the organization of their naval task forces.

It directed the execution of a defensive deployment in preparation for carrying out war tasks. It stated that Guam, Samoa and Continental Districts had been directed to take appropriate measures

PURL: http://www.legal-tools.org/doc/1fcab7/

against sabotage and that a similar warning was being sent by the War Department. It ordered the addressee inform naval districts and Army authorities. The commander in chief of the fleet communicated the purport of this message to the general commanding the Hawaiian Department of the Army.

Findings of Fact XII (Excerpts)

After receipt of the message of November 27, the following action was taken:

The Commanding General, Hawaiian Department, ordered Alert No. 1 (see next succeeding paragraph)into effect on November 27, and it was maintained in effect until December 7. At the same time he ordered that the aircraft warning system operate daily from 4 a.m. to 7 a.m. The Commandant of the Fourteenth Naval District, in his capacity as base defense officer, called a conference of all the destroyer commanders of the inshore patrol, advised them that something might happen, and that they should be on the alert.

The Commander in Chief of the Fleet made certain dispositions of units of the fleet for the purpose of strengthening his outposts to the south and west of the Hawaiian Islands, and also issued an order that any Japanese submarine found in the operating areas around the island of Oahu should be attacked. This order went beyond the authority given him by the Navy Department.

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Findings of Fact XVIII (Excerpts)

In the attack on Oahu a suspicious object was sighted in the prohibited area off Pearl Harbor at 6:30 a.m., by the U.S.S. Antares. Between 6:33 and 6:45, this object, which was a small submarine, was attacked and sunk by the concerted action of a naval patrol plane and the U.S.S. Ward.

A report of this action by the Ward reached the naval base watch officer at 7:12 a.m., who notified his chief of staff. The ready destroyer was dispatched to investigate, but no alert warnings were issued, based upon this report.

Summary of the More Important Facts (Excerpts)

This conviction persisted notwithstanding messages containing warnings and orders, brought to the attention of both commanders over a period of weeks prior to the attack. As early as October 16 the commanders were warned of the possibility of an attack by Japan on the United States and were directed to take precautions and make preparatory dispositions in the light of this information. A significant warning message was communicated to both the local commanders on November 24. On November 27 each responsible commander was warned that hostilities were momentarily possible. The warnings indicated war, and war only.

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Translated by:
Defense Section Language Branch

ロバート委員會報告

真珠灣慘禍ニ關スルロバート委員會報告拔萃（一頁　拔萃）

華盛頓一九四二年一月二十三日

白票館
大統領閣下

閣下　下名等ハ一九四一年十二月十八日付大統領令ニ依リ委員ニ任命セラレタリ。令ハ我ガ委員四ノ任務ニ就キ次ノ如ク規定セリ。

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第三　（四頁拔萃）

合衆國ノ對大平洋問題政策ガ諸外國ノ政策ト相容レザリシコトハ夙ニ周知ノトコロナリ。是等國家間ノ政策ガ一致スルニ非ザレバ太平洋ニ於テ戰爭ノ回避シ得ラリシコト亦合衆國陸務省陸軍省及ビ海軍省ノ認知シタルトコロナリ

PURL: http://www.legal-tools.org/doc/1fcab7/

DEF DOC 1 95

十一月二十七日付陸軍ノ通告（九頁抜萃）

布哇現地諸指揮官ハ米日外交交渉ガ十月ヨリ十一月ニ亘リ引續キ行ハレタルチ心得ヘ居リ其ノ後ノ發展ニツキテ待機シツヽアリタリ。

一九四一年十一月二十七日陸軍參謀總長ハ布哇軍管區司令官ニ日本トノ交渉ハ打切ラルモノヽ如ク、續行ノ見込極メテ尠少ナルコト、日本ノ行動ハ豫想スベカラザルコト、日本側ヨリノ戰鬪開始ハ何時イカナル時ニモ起リ得ルコト戰爭不可避ノ場合、合衆國ガ先ンジテ露骨ノ行動ニ出デザルチ希望スルコト並ニ軍管區司令官ハ其ノ防備ヲ危殆ニ瀕セシムルガ如キ如何ナル方針ニモ拘束セラル、モノニ非ザルコトチ通達セリ。

敵通告ハ絶對行動ニ始以前ト雖モ司令官ノ必要ナリト認ムル偵察又ハ其他ノ方策チ講ズベキコト、但シコレガ實行ニ當リテハ一般民衆チ驚カシ若クハ其ノ意圖チ曝露スルコトナキ樣行ハルベキコトチ命令セリ。又軍管區司令官ハ右通告内容ノ傳達チ最小限度ノ必要缺クベカラザル將校ニ限定スルコトチ命ゼラレ、併セテ司令官ノ實行セル處置ニ就テ參謀總長ニ報告スベキ樣命ゼラレタリ。

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DEF D 00 ; 195

本通告ノ要領ハ軍管區司令官ヨリ太平洋艦隊司令長官ニ通告セラレタリ。

同日（一九四一年十一月二十七日）陸軍情報部長ハ布哇軍管區司令官麾下ノ情報官ニ通告ヲ發シ、日本トノ交渉ハ殆ド打切ラレタルコト、其ノ結果トシテ戰闘行爲發生ノ可能性アルコト並ニ暗中破壞的行動ノ予測セラルベキヲ司令官及參謀長ニ傳達スル樣命ジタリ。

同日（一九四一年十一月二十七日）海軍作戰部長ハ太平洋艦隊司令長官ニ通告ヲ發シ、本通告ハ實質上戰爭ヲ告ト見做サルベキコト、太平洋情勢ノ安定ヲ齎サンガ爲メニ努力ヲ拂ヒタル對日交渉ハ遂ニ打切トナリタルコト、日本ハ數日內ニ攻擊的行動ニ出ヅルモノト期待セラルルコト、比律賓、泰、若クハ「クラ」地峽或ハ又「ボルネオ」ニ海陸ヨリ同時ニ作戰進擊ノ行ハルベキコト日本軍隊ノ兵力及裝備並ニ海軍機動部隊ノ編成ニ依リ窺知セラルベキヲ傳達セリ。

右通告ハ陸軍ニ於ケル任務遂行ノ準備トシテ防衞展開ヲ施行スベキコトヲ命ジタリ。本通告ハ又「グアム」「サモア」及大陸地區ニ於テハ、サボタージニ對シ適當ナル施策ヲ施スベク命ゼラレタルコト並ニ同樣警告

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ガ陸軍省ヨリモ發セラレッヽアル旨述ベヽ受信者ハ更ニ海軍管區及陸軍當局ニ通告スベキコトヲ命ジタリ。依テ燈險司令長官ハ本通告要旨ヲ布哇管區司令官ニ通達セリ。

（十四頁抜萃）

十一月二十七日付通告接手後次ノ如キ行動採ラレタリ。

布哇軍管區司令官ハ警報第一號（次項ヲ見ヨ）ヲ十一月二十七日發令シ右ハ十二月七日迄繼續實施セラレタリ。同時ニ司令官ハ毎日午前四時ヨリ午前七時マデ空襲警報網ノ活動ヲ命ジタリ。第十四海軍區司令官ハ根據地防衛官ノ資格ニ於テ全海軍巡邏區經燈長會議ヲ召集シ河等カノ事態發生ノ懸念アルコト並ニ全燈警戒態勢ニ入ルベキ事ヲ勸告セリ。

燈險司令長官ハ前哨點ヲ布哇群島南方及西方ニ擴充强化ノ目的ヲ以テヽ其ノ燈險中ノ一部ヲ或ル位置ニ配置シヽ又「オアフ」島周邊ノ作戰地域内ニ日本潛水艦ヲ發見シタル時ハ之ヲ攻撃スベシト命令セリ。如斯命令ハ海軍省ノ司令長官ニ與ヘタル權限ヲ越エタルモノナリ。

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「オアフ」島攻撃中、合衆國軍艦「アンタレス」號ハ午前六時三十分、眞珠灣外禁止區域ニ於テ奇怪ナル物体ヲ望見セリ。此ノ物体ハ小潜水艦ナリシガ、海軍哨戒機及合衆國軍艦「ウオード」號ハ午前六時三十三分ヨリ六時四十五分ニ至ル間、共同之ヲ攻撃、撃沈セリ。

此ノ戰闘報告ハ午前七時十二分「ウオード」號ヨリ海軍根據地監視官ノ許ニ通達セラレ、監視官ハ是ヲ參謀長ニ通告セリ。出動態勢ニアリタル一驅逐艦ハ直ニ之ガ調査ノ爲メ派遣セラレタルガ、此ノ報告ニ基キテ何等警戒警報發令セラレタルコトナカリキ。

（二一頁拔萃）

此ノ信念（日本ニ如斯襲撃ヲ行フ意思ナシトノ）ハ攻撃ニ先立ツ數週間前ニ警戒ト命令トヲ與メタル通牒ヲ以テ兩司令官ノ注意ヲ喚起セラレタルニ拘ラズ依然持續セラレタリ。既ニ十月十六日ノ早期ニ於テ兩司令官ハ日本ガ合衆國領土ニ攻撃ヲ加フベキ可能性アルコトヲ警告セラレ、尚

（二五頁拔萃）

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通告ニ徴シ隊防手段ヲ講ジ準備的處置ヲ採ルベキコトヲ命ゼラレ居リタリ。十一月二十四日ニハ現知両指揮官ニ一ノ意味深キ重大ナル警告的通牒ガ通達セラレタリ。更ニ十一月二十七日ニ及ビテハ各關係指揮官ニ對シテ戰爭ノ一觸即發ノ危機ニアルヲ警告セラレタリ。此ノ警告ハ戰爭ノ勃發ヲ示唆スルモノ以外ノ何物デモナカリシナリ。

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D.F LOC # 195

Translated by:
Defence Section, Language Branch

Statement of the Navy Dept. of the Imperial General Headquarters concerning the Panay Incident.

24th December, 12th yea of Shov (1937)

Regarding the incident in which our navy airplanes bombed the American river gunboat "Panay" and the vessels of other nations on 12th December, the Navy Dept. of the Imperial Gene. Headquarters published an interim general outline report. The following facts have been made clear since then, and the Vice Minister of the Navy at six o'clock yesterday, i.e. Dec. 25rd, e plained the real circumstances of that incident to the American Ambassador to Japan.

1. Circumstances up till the occurrence of the incident. Since th outbreak of the present Sino-Japanese Incident the Japanese Navy has made very effort to protect the intersts and lives of third powers, and, especially in the case of attacking ships. We have made the utmost effort not to attack ships except Chinese war vessels or her ships directly contributin to military operations. But China has frequently disguised her forces by flying flags of third powers or using their rights and privileges for her military operations and this has frequently occasioned us great disadvantage. For instanc on 27th December, on the occasion of attacking Chingiang, our Navy air corps, discovering a large Chinese force retreating on board ships, immediately started to attack them, but the enemy instantly swarmed around third powers merchant ships, so

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our planes were finally obliged to give up the attack.

In view of the situation mentioned above, on 9th, Decembe the Japanese Consul-General in Shanghai made a representation to the consuls-general of other powers to the effect that, under the present situation when the battle is beginning to rage along the whole coast of the Yagtze River, although the Japnese army, of course, would do its best to protect the third powers interests, the other powers also, for their part, were requested to cooperate in their efforts to set their vessels and vehicles apart from the Chinese army forces or Chinese military equipment, and if possible, to withdraw from fighting areas completely.

The American gunboat "Panay" was lying at anchor two miles up the river from Nanking but, as the battle in that district was getting serious she was gradually moving to the upper reaches of the river, protecting three American merchant ships. On the day of the occurrence of the incident, she was taking refuge at a place 26 miles up the river from Nanking, taking steps to inform the Japanese authorities of her position. Although we recognize that it was in conformity with our above mentioned notice, unfortunately her last refuge position also was involved in the midst of a zone in which our forces and the enemy were exchanging fire. To make the matter worse, the information of the last position of refuge was delayed as will be referred to later. It can not be regretted too much that the

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efforts of the captain of the Panay could not previously prevent the occurrence of that incident.

II. The Information received by the Commander of the Navy Air unit.

The commander of the navy air unit assigned since the 11t with the task of cooperating with army operations, had receive the information that the Chines soldiers in the Nanking area were retreating toward the upper part of the river on board sh and that the ships were going back and forth between Nanking and that part. But at noon (Tokyo time henceforth the same) o the 12th receiving the news that ships of various sizes together with many junks were going up the river between 12 and 25 miles from Nanking, loaded with the retreating enemies, he instantly gave order to annihilate these ships. But unfortuna the information from the American consul-general in Shanghai that the Panay and three American merchant ships were staying about 27 miles up the river from Nanking reached the Headquar of the Japanese Fleet in China at 5 P.M. through the Japanese consul-general and it was not until 5.30 P.M. that the news was received by the commander of the air unit. Therefore the abo mentioned air unit know nothing at all about the fact that American ships were about 27 miles up the river from Nanking, it was owing to unavoidable circumstances that they mistook th ships in that area for Chinese ones.

III. The Circumstances of Bombing.

The bombing by our navy air unit was carried out by from two to six planes at a time, repeated six times in all, from 2.25 P.M. to 5.30 P.M. The four ships all got bombed and two

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(including the American gunboat "Panay") of them were finally sunk. The strafing fire of the machine-gun of the plane was made only once by one of them in the second bombing and that for a short time.

The aviators of the planes know nothing at all about the fact that American vessels were lying at anchor in that area, and they carried away by the desire to co-operate with the friendly forces attacking the enemy capital at Nanking, and encouraged at the news that there were ships loaded with retreating forces of the enemy, left base for the front in high spir Moreover the bad visibility on the river from the upper air due to smoke and mist which, in consequence of fires breaking out there about at that time, covered the Yangtze River near Kaiyuan Wharf where the Panay was lying at anchor, together with their, preoccupation mentioned above, made the air unit unable to distinguish the American ships from others which resulted in their bombing them. The aviators, perceiving many Chinese taking refuge from these merchant ships by landing ashore mistook them for Chinese soldiers, and, at last, did harm even to the officers and men on board the army motor-boat, which were then rescuing the American sufferers on the spot.

IV. The Circumstances Surrounding the Rescue of the Sufferers.

The commander of the Japanese Fleet in China received information from the Commander of the American Asiatic Fleet at 9 a.m. on 13th December, that the communication with the Panay

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had been interrupted since the afternoon of the 12th. After investigation, we came, at last, to find out the fact that the ships which we had attacked with the firm belief that they were Chinese ones were in reality American ships, so we resolved to make our utmost efforts to relieve the sufferers. We at once dispatched the HOZU with a rescue flying-boat, and, by means of wireless telegraphs and leaflets, informed our army forces stationed thereabout of the outline of the incident and that the sufferers were staying in Hohsieu, and asked them to relieve these sufferers.

Due to the interference with our relief activities by Chine soldiers ashore, the work of picking up the corpses of the captain and a member of the crew on board one of the American ships which had run ashore on the left bank of the Yangtze River was prolonged till the 15th. We at last succeeded in picking them up aboard HOZU, suppressing the enemy by bombardment from our war vessels. The fact that the Chinese soldiers were firing violently from the banks of the river without distinguishing Anglo-Americans from Japanese can not be ignored in the investigation of this incident. In brief, the Panay incident happened in a district of fierce and complicated fightings between the forces of the two Powers and it had relation to both the navy and the army, and was caused partly by the bad conditions of communications. It took a long time to investigate the matter and we are very sorry that some foreign nations, in the

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meantime, misunderstood the real facts or made distorted reports and, to make the matter worse, amongst them were nations that, on purpose, made bad propaganda so as to trap Japan. We firmly believe that you will recognize, judging from the real circumstances of the case already mentioned above, that this unhappy incident was entirely due to a mistake and was not a premeditated action based upon our malice.

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LEW LOC ; 195

「パネー」號事件大本營海軍部公表

（昭和十二年十二月二十四日）

十二月十二日我海軍飛行機カ米國河用砲艦「パネー」及ヒ各國船舶ヲ爆撃セル事件ニ關シテハ遺憾ニ不取敢大本營海軍部ヨリ其ノ概要ヲ發表セルカ其ノ後判明セル事實左ノ通ニシテ昨十二月二十三日午後六時海軍次官ヨリ駐日米國大使ニ對シ右事實ノ眞相ヲ說明セリ。

一、事件發生ニ至ル迄ノ事情

今次事變勃發以來帝國海軍ハ第三國ノ權益並ニ人命保護ニ對シ有ユル努力ヲ致シ殊ニ揚子江方面ニ於ケル諸外國艦艇及直接作戰行動ニ關係セル支那船舶以外絕對ニ攻撃セサル如ク爲シ來レル處支那ハ屢第三國ノ國旗ヲ詐用シ或ハ第三國權益ヲ作戰ニ利用スル等ノコトアリタル爲我軍事行動ニ至大ノ不利ヲ蒙リタルコト少ナカラス現ニ十一月二十七日鎭江攻撃ノ際支那兵大部隊カ船舟ニ搭乘シテ退却シツツアルヲ發見シタル我海軍航空隊ハ直ニコレカ攻撃ニ向ヒタルニ敵ハ忽チ附近ニ碇泊セシ第三國商船周圍ニ蝟集シタルタメ遂ニコレカ攻撃ヲ中止

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スルニ至リタル如キハソノ一例ナリ。

右ノ如キ事情ニ鑑ミ十二月九日上海在勤帝國總領事ハ各國總領事ニ對シ戰闘カ揚子江沿岸全部ニ波及シツツアル情況ニ於テ日本軍ハ勿論第三國權益保護ニハ最善ヲ盡スヘキモ第三國モ亦我方ノ努力ニ協力シ其ノ船舶車輛ヲ支那軍及ヒ支那軍ノ施設ヨリ離隔セシメ、出來得ヘクンハ戰闘地域ヨリ完全ニ離脫センコトヲ希望スル旨申入レタリ。

米艦「パネー」ハ十二月十日南京上流二浬ニ碇泊セシカ同地方面戰闘激烈トナルヤ米國商船三隻ヲ保護シツツ漸次上流ニ移轉シ事件發生當日ニ於テハ南京上流二十六浬附近ニ避難シ且其ノ位置ヲ我方ニ通告スルノ手續ヲ執レリ、右ハ前記我方通告ノ趣旨ニ添ヘルモノト認メラルルモ不幸ニシテ右最終避難位置モ亦彼我努力錯綜ノ中心トナリ且ソノ最終避難位置通知モ後段述フル如キ事情ニ依リ通達遲延シ結局「パネー」號艦長ノ努力モ本事件ヲ未然ニ防止シ得サリシハ返ス返スモ遺憾トスルトコロナリ。

二、海軍航空部隊指揮官カ發受セル情報

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陸軍ノ作戰ニ協力スヘキ任務ヲ課セラレタル海軍航空部隊指揮官ハ十一日以來「南京方面ノ支那兵カ船舶ニ依リ上流方面ニ逃走シツツアリ」又「此等船舶ハ屢南京ト其ノ上流トノ間ヲ往復シツツアリ」等ノ情報ヲ受領シ居タル處、十二日正午（東京時間以下同樣）「大小汽船十隻及ヒ戎克多數ハ敵退却兵ヲ搭載シ南京上流十二浬乃至二十五浬附近ヲ溯江中」トノ情報ヲ得ルニ及ヒ直ニ該船舶ヲ擊滅スヘキ旨下令セルカ同日「パネー」及ヒ米國商船三隻カ南京上流二十七浬附近ニ在リトノ通知ハ上海米國總領事ヨリ帝國總領事ヲ經テ午後五時我支那方面艦隊司令部ニ到着シ之カ航空部隊指揮官ニ通達セルハ午後五時三十分以後ナリキ、從テ右航空部隊ハ南京上流二十七浬附近ニ米國艦船アル如キハ全然知ル所ナカリシ爲該方面ニ在リタル之等艦船ヲ支那船舶ナリト確信スルニ至リシハ蓋シ已ムヲ得ザル次第ナリ。

三 爆撃ノ情況

我海軍航空隊ノ爆撃ハ午後二時二十五分ヨリ同五時三十分ノ間ニ於テ前後六回、每回二機乃至六機ノ飛行機ヲ以テ行ハレ四隻ノ艦船ニ悉ク

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命中シ二隻（米國河用砲艦「パネー」ヲ含ム）ヲ沈沒セシムルニ至ラシメタリ、尚飛行機ニヨル機銃掃射ハ第二回爆撃機中ノ一機ヨリ短時間行ヒタルノミナリ。

右攻撃ニ參加セル飛行機搭乘員ハ揚方面ニ米國艦船在泊セル事實ハ何等知ルトコロナク敵首都南京攻略中ノ友軍ニ協力セントノ感激ニ駈ラレ「敵退却部隊ノ搭乘セル船舶アリ」トノ情報ヲ得テ勇躍發進セルモノナリ加之當時附近各所ノ火災ノ影響ヲ受ケ「パネー」在泊セル開源碼頭附近揚子江上ハ煙霧ノ爲上空ヨリ視認情況不良ナリシト前記ノ如キ先入主ト相俟チテ遂ニ米國砲船タルコトヲ識別スルコト能ハスシテ之ヲ爆撃スルニ至リ更ニ此等商船ヨリ多數ノ支那人ガ上陸避退スルヲ認メタル飛行機搭乗員ハ之ヲ支那兵ト誤認シ遂ニ當時現場附近ニ於テ被害米人ヲ救護中ナリシ我陸軍設營艇第組ノ將兵ニ迄モ危害ヲ及ホスニ至レリ。

四　遭難者救助ニ關スル事情

十二月十三日午前九時米國東洋艦隊司令長官ヨリ我支那方面艦隊司令

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長官ニ十二日午後以來「パネー」トノ通信連絡杜絶セル旨ノ通告ニ接シ調査ノ結果、玆ニ初メテ前日支那船ト確信シテ攻撃セシハ米國艦船ナルコト判明スルニ至リ遭難者救助ニ全力ヲ盡スニ決シ、直ニ保津ヲ現場ニ廻江セシムルト共ニ救助用飛行艇ヲ派遣シ且無線電信及ヒ「ビラ」ヲ以テ事件ノ概要ト遭難者カ和縣ニ在ル旨ヲ通知シ現地附近陸軍部隊ニ救護ヲ依頼セリ。

尙當時陸上ニアリシ支那兵カ遭難者救助作業ヲ妨害スルコト甚シク揚子江左岸ニ擱坐セル米船一隻ノ船長外一名ノ死體收容モ之カタメ遷延シ十五日ニ至リ、我艦艇ノ砲撃ニヨリ敵ヲ制壓シツツ漸ク保津ニ收容スルニ成功セルカ次第ニシテ支那兵カ江岸ヨリ英米人及ヒ日本人ノ見境ナク盛ニ射撃セルノ事實ハ本事件審査上見逃スヘカラサル事項ナリ。之ヲ要スルニ今次「パネー」號事件ハ彼我ノ協力錯綜セル激戰地域ニ於テ生起シ而モ海陸軍ニ關係アリ通信連絡意ノ如クナラサル等ニモ基因シ、調査ニ時日ヲ費シ此ノ間諸外國ニ於テ事實ヲ誤解又ハ歪曲報道セラレ中ニハ故意ニ帝國ヲ陷レントスルカ如キ惡宣傳行ハルルニ至リタ

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ルハ甚タ遺憾トスル所ニシテコノ不幸ナル出來事カ全然錯覺ニ基クモノニシテ我方ノ故意或ハ惡意ニ基ク計畫的行爲ニ非ラサルコトハ前記諸項ノ如キ事實ノ眞相ニヨリ自ラ諒解セラルヘキヲ信シテ疑ハス

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IMTFE DOC # 1913

C E R T I F I C A T E

Statement of Source and Authenticity

I, Hayashi, Kaoru, Chief of the Archives Section, Japanese Foreign Office, hereby certify that the document hereto attached in Japanese consisting of 7 pages and entitled "Statement of the Navy Department of the Imperial General Headquarters concerning the Panay Incident, December 24, 1937. is an exact and true copy of an official document of the Japanese Foreign Office.

Certified at Tokyo.

on this 5th day of December 1946.

K. Hayashi

Signature of Official

Witness: Nagaharu Odo

TRANSLATION CERTIFICATE

I, William E. Clarke, of the Defense Language Branch, hereby certify that the foregoing translation described in the above certificate is, to the best of my knowlege and belief, a correct translation and is as near as possible to the meaning of the original document.

/s/ William E. Clarke

Tokyo, Japan

Date: 17 January 1947

PURL: http://www.legal-tools.org/doc/2e03ad/

With Drawn
Defs.

ITF IOC), 198 Name

International Military Tribunal for the Far East

United States of America, etc.

against

ARAKI, Sadao, etc,

Affidavit

Deponent KAWADA, Mizuko

I hereby make affidavit as under mentioned after taking an oath as appended herewith, following the established form in our Country.

On Hakkō-ichiu

I. I hold the chair of Chinese Classics at the Waseda University and am, at the same time, a non-regular member of the staff of the Cabinet. I have occupied the lectureship for 17 years, namely from the 5th year of Shōwa (1930) up to the present.

2. The phrase "Hakkō-ichiu" is derived from a clause of the edict issued by Jimmu, the first Emperor, when he had his palace built at Yamato-Kashiwar in April in the very year of his accession to the throne (660 B.C.) The clause says:

"六合を兼ねて都を開き八紘を掩ひて宇と為す."

"Rikugō o Kanete Miyako o hiraki, Hakkō o ōite ie to nasu".

"Found a metropolis over 'Rikugō', Make a house covering 'Hakkō'".

The full text of this edict is found in the "Nippon-Shoki"

3. The 'Nippon-Shoki' is an authentic record of Japanese history edited under the Imperial command in the 4th year of Yōrō (720 A.D.) in the reign of Genshō, the 44th Emperor, by Prince Ippon Toneri and others.

4. 'Rikugō' means the heaven, the earth and the 4 directions. 'Hakkō' means the 8 directions, the subdivisions of the 4 directions and is a phrase found in the Chinese classics, such as "Roshi (Liehtzu)" "Sōshi

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(Chuangtzu)", "Wenanji (Wainantzu)" etc. its synonyms being八殥(Hachiin), 八極(Hakkyoku), 八荒(Hakkō), 八紘(Hachiyen) etc. The word '宇' of the phrase "宇と為す" (Ie to nasu)means "under the eaves", "a sitting room" or "a house".

5. In this edict, 'Rikugō' is to be pronounced "Kuni no uchi" (in the country) and 'Hakkō' "ame no shita" (under the heaven). In short, the clause means: "To make all the countries a metropolis and all the people a household". It denotes the pervasion of the virtue of the Emperor and the eternal prosperity of the people.

6. When "八紘を掩ひて宇と為す" (Hakkō o ōite ie to nasu), is changed into a Chinese expression, it becomes "八紘為宇" (Hakkō-iu). However, it is an usage of Chinese composition of both prose and poetry to make an antithesis such as "an hour costs one thousand gold coins", "three Emperors and five Kings", "wind after five days, rain after ten days". If 8 is placed against 1, the phrase sounds rhythmical; therefore in the later period, the phrase was written as "八紘一宇" (Hakkō-ichiu). In China, Wu Shih-tao (Goshidō) of the Mongolian Dynasty (1320 A. D.) used in his poetry the phrase:

"今日八荒一宇に同じ"

"Konnichi Hakkō-ichiu ni onaji"

"It is the same as "Hakkō-ichiu "Hakkō-ichiu" today"

7. In the edict issued in the 12th year of Tempei (740 A.D.) in the reign of Shōmu, the 45th Emperor, there is a clause:

"八荒に君臨す"

"Hakkō ni Kunrinsu"

"Reign in the eight directions".

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In the edict issued in the 22nd year of Yenryaku (803 A.D.) in the reign of Kanmu, the 50th Emperor, there is a clause:

" " "八紘に臨馭す"

"Hakkō ni ringyosu"

"Reign and rule in the eight directions"

In the edict issued in the 4th year of Jishō (1180 A.D.) in the reign of Antoku, the 81st Emperor, there is a clause:

"澤四海を覃み、化八埏に被ぶ"

"Taku shikai o komo, Ka hachiou ni Kōmuru".

"Grace pervades the four seas and virtuous influence covers the eight directions"

In the imperial declaration issued in the 16th year of Eishō (1519 A.D.) in the reign of Gokashiwabara, the 104th Emperor, there is a clause:

"一天晏平、八紘靜謐"

"Itten shōhei, Hakkō seihitsu"

"Peace under the heaven, tranquility in the eight directions"

There are various forms of expression such as "八紘 " (Hakkō), "八 荒 " (Hakkō), "八埏 " (Hachien), " 一 天 " (Itten), "四海 " (Shikai), but the meaning is the same. In the beginning, this phrase [illegible] denoted the four or eight directions of the country, that is, all the parts of the state.

However, as communication with foreign countries was gradually opened, there appeared an idealistic interpretation of this phrase. Namely, this phrase has come to mean that all mankind associate with one another in peace and love, as if they belonged to one household, that is, they were parents and children or were brothers. Especially, the fact that "八紘一宇" (Hakkō-ichiu) came to be used instead of "八紘為宇" (Hakkō-iu) [illegible]

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in recent years endorses the above-mentioned interpretation. Synonyms as "四海一家" (Shikai-ikka)-- "The four seas one house" "宇内一家" (Udai-ikka)-- "All people under the Heaven in one house", "四海同胞" (Shikai-dōhō)-- " the four seas brethren" "世界同胞" (Sekai-dōhō)--""world brethren" came into vogue.

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IPS DOC # 198

Written Oath

I hereby take an oath that I will tell the truth, conceal nothing and add nothing in accordance with my conscience.

(Signature and seal) KAWADA, Mizuko

At Tōkyō, on December 16, the 21st year of Shōwa (1946)

Deponent KAWADA, Mizuko

I hereby certify that the aforementioned person took an oath and affixed his signature and seal in my presence.

On the same day, at the same place,

Witness KAWAKITA, Konjirō

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DLF DOC # 198

Translation Certificate

I, William E. Clarke, of the Defense Language Branch, hereby certify that the foregoing translation described in the abovecertificate is, to the best of my knowledge and belief, a correct translation and is as near as possible to the meaning of the original document.

/S/ William E. Clarke

Tokyo, Japan
Date 24 January 1947

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DEF DOC # 198

極東國際軍事裁判所

亜米利加合衆國其他

對

荒木貞夫其他

宣誓供述者

供述者　川田瑞穂

自分儀我國ニ行ハルル方式ニ從ヒ先ヅ別紙ノ通リ宣誓ヲ爲シタル上次ノ如ク供述致シマス

DEF DOC № 198

八紘一宇に就いて

一、私は早稲田大學に於いて講文の講座を擔當し、內閣の囑託をも兼ねて居ります。右講座は昭和五年から現在に至るまで、十七個年にわたるものであります。

二、八紘一宇と云ふ語は、第一代神武天皇が紀元元年（西暦紀元前六百六十年）三月、大和橿原（ヤマトカシハラ）に宮室を造られる際に下された詔令中の句「六合を兼ねて都を開き、八紘を掩ひて宇と爲す」から出たもので、その詔令の全文は日本書紀に載つて居ります。

三、日本書紀は四十四代元正天皇の養老四年（西暦紀元七百二十年）に一品舍人親王（トネリ）等が勅命を奉じて撰定せられた日本の正史であります。

四、六合は天地四方、八紘は四方を更に區分したる八方のことで、八隅（ヤスミ）、八極、八荒、八埏などとも書き、列子、莊子、淮南子を始め、中國の多くの古書に出てゐる熟字であり、又「宇と爲す」の宇は簷（ノキ）の下、居室のこと、卽ち家であります。

五、この詔令では六合をクニノウチ（國の內）、八紘をアメノシタ（天の下）と讀ませてありまして、要するに國內一切を都とし、國民全部

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を一家となさんとの意味で、皇徳の普ねく行き渡り、國民のすべてが永久に繁昌する形容詞であります。

六、「八紘を掩ひて宇と爲す」の一句を漢文で書きますれば、八紘爲宇となるのでありますが、一刻千金、三皇五帝、五風十雨などの如く、一句の中で對句を作ることは、漢文漢詩によくある例で、八と一とを對にすれば調子がよくなりますから、後世では八紘一字と書くやうになつたのであります。甲國でも元の吳師道（西暦紀元一千三百二十年頃の人）は自作の詩の中に「今日八荒一宇に同じ」と云ふ句を使つて居ります。

七、四十五代聖武天皇天平十二年（西暦紀元七百四十年）の詔書には「八荒に君臨す」とあり、五十代桓武天皇延暦二十二年（西暦紀元八百三年）の詔書には「八紘に臨馭す」とあり、八十一代安徳天皇治承四年（西暦紀元一千一百八十年）の詔書には「海西海を單め、化八埏に被むる」とあり、又百四代後柏原天皇永正十六年（西暦紀元一千五百十九年）の宣命には「一天昇平、八荒帖謐」とありまして、八荒、八紘、八埏、一天、四海などと文字は色々に書きかへてありますが、意味には少しも變りがなく、初めはいづれも國内の四方八方、隅々までを指

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したものであります。然るに段々海外列國との交通が開けますと共に之を觀念的に解釋して、世界人類が一家同樣、卽ち親子兄弟のやうに平和親睦の交際を爲すと云ふ意味に用ゐ、殊に近年八紘爲宇と云はずして八紘一宇と云ふ熟字を用ふるやうになつたのは、益々此の意味を裏付けるものでありまして、同胞話として四海一家、又は宇内一家、四海同胞、又は世界同胞等の熟語も流行するに至つたのであります。

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DEF DOC # 198

昭和二十一年（一九四六年）十二月十六日於東京

供述者　川田瑞穂

右ハ當立會人ノ面前ニテ宣誓シ且ツ署名捺印シタルコトヲ證明シマス

同日　於同所

立會人　河北健治郎

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DEF DOC # 198

宣誓書

良心ニ從ヒ眞實ヲ述ベ何事ヲモ祕セズ又何事ヲモ附加セザルコトヲ誓フ

（署名拇印）　川

由

瑞

穗

27

Excerpts from
Prosecution Witness JOHN B. POWELL's Book
"MY TWENTY-FIVE YEARS IN CHINA"

****

(New York, The MacMillan Company, 1945)

Shantung and Washington

Page 73

As Cochran explained to me, the Republicans were under heavy obligations to do something about the so-called Far Eastern Question "because they owed their election largely to this issue." Cochran, of course, admitted that behind this incentive was a desire on the part of some members of the new administration to uphold traditional American policies in the Far East, particularly the Open Door in China. Turning to me he said, "You have lived in China, what about the Open Door?"

I explained that along about 1898-1900 it appeared that China was on the point of being divided among the Powers. Russia had taken advantage of the Boxer incident to overrun Manchuria, Great Britain had established herself in the Yangtze Valley, and had taken steps to develop a naval base at the port of Wei-hai-wei. Germany had seized Kiaochow Bay, and was building a naval base at Tsingtao. The Japanese, who were late at the banquet, were preparing to fight the Russians for a share of Manchuria. The French had Indo-China, and a concession on the South China coast at Kwangchowan.

The Americans were definitely left out with no concessions, or spheres of influence, on the continent of Asia. It was at this point that Secretary of State John Hay made his proposal for an "Open Door" doctrine in Asia. Since Hay had been Minister to Great Britain, it was suspected that Great Britain was behind the program. And such was the case, as British commercial interests realized that the trade of a unified China was worth more than the exclusive trade of a section of the country.

The British also did not want to face the consequences of carving up a nation of 400,000,000 souls. They feared repercussions in European politics. A mission to the Far East, headed by Admiral Lord Beresford had returned by way of Washington and consulted with the Americans.

Hence the Open Door, proposed in a series of notes to the other Powers by John Hay. It amounted to a repudiation of the "sphere of influence" policies of the other nations. The Open Door in the Far East took its place with the Monroe Doctrine as an American foreign policy.

We had heeded Washington's advice about keeping free of Europe's quarrels (up to World War I), but never hesitated to involve ourselves in Asiatic politics, seemingly without objection on the part of the American public.

PURL: http://www.legal-tools.org/doc/4ab673/

DEF. DOC. 202 D 1

TRANSLATION

被告側證人ジョン・ビー・パウエル著

「在支二十五年」抜萃

（一九四五年ニューヨーク・マクミラン社版）

（七三頁ヨリ）

山東ト督府

コクランの説明の通り、支那當局は所謂五原團に對し是非とも何等かの手を打たざるを得ない立場にあつた。何となれば五原團は遠島の如くこの間のおかげで投票を得ない立場にあつたからである。コクランは勿論この動機の背後には米國の傳統的な五原攻撃就中門戸開放を維持しようとする新政府部内の一部分子の意圖の存することを認めてゐた。「君は支那に住んでゐたのだから訊ねるが、門戸開放をどう考へるかね」と彼は私に訊ねた。

そこで私は次のやうに説明した。

一八九八―一九〇〇年頃の支那は列強に分割される危險にさらしてゐた。即ちロシヤは滿洲に侵入し、獨逸は膠子江流域に足場を設け、且つ威海衛に軍港を設ける準備に着手してゐた。またドイツは

FILE COPY
RETURN TO ROOM 361

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膠州灣を掌中に收め、當時青島に軍港を築造中であつた。一方一足遲れた日本も清洲の一部の分け前にあづからうとして對獨戰爭を準備してゐた。またフランスは印度支那を手中に收め、更に南支海岸の廣州灣に租借地を獲得してゐた。

他方米國はすつかり他國に先を越されて、アジヤ大陸に於て勢力圏をも取得し得なかつた。ジョン・ヘイ國務長官が例の「門戸解放」主義を提案したのは丁度この頃であつた。ヘイは以前駐英公使だつたことがあつたため、この計畫の裏には英國のさしがねがあるのではないかといふ觀測もあつた。事實、その當時英國の商業資金は支那の一部分に於ける獨占的貿易よりも却つて支那全體に於ける（日本者註自由な）貿易の方が有利な情勢にあつたのである。

のみならず英國は四億もの大人口を有する國家を開拓した場合生ずべき結果を好ましく思はなかつた。英國は歐洲政治に於けるその反響を恐れた。當時英國からは提督ビアスフイールド卿を首班とする使節團が極東に派遣され、途中華府に立寄つて米國當局と會談の後歸國したばかりであつた。

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この結果生れたのがジョン・ヘイにより列強に對する連續せる覺書の形式で提議された門戸開放であつた。これは結局に於て他國の所謂「勢力圏」政策の中止を意味した。極東に於ける門戸開放は米國の外交政策としてモンロー主義と相竝ぶに至つた。

我々は歐洲の諸紛爭に卷込まれるな（第一次世界大戰まで）といふ米國政府の戒めをよく守つてはゐたが、一方アジヤの政治にはためらふことなく首をつゝこんだ。

そしてこれに對しては米國の輿論にも反對はないやうであつた。

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Not Admitted

Excerpts from
Prosecution Witness JOHN B. POWELL's Book
"MY TWENTY-FIVE YEARS IN CHINA"

****

(New York, The MacMillan Company, 1945)

Shantung and Washington

Pages 75 and 76

And now to return to the subject of the Conference:

After considerable thought the State Department finally decided to invite the Chinese to send a delegation. It was the first time China had ever sat in an international conference as a "free and independent Power." This element aroused so much enthusiasm in China that the Government sent a delegation of about three hundred persons, including secretaries, stenographers, and assistants; so many in fact that Dr. Sze, the Minister, had difficulty in feeding and housing them.

Since the State Department's invitation was sent to the Peking Government, the Kuomintang regime at Canton immediately raised a tremendous howl and sent a rival delegation which sniped at the Peking delegates throughout the meeting. There was even an attempt to assassinate Dr. Sun at Canton during the conference.

The Japanese were not enthusiastic about the Washington Conference, and approached the meeting somewhat in the mood of a naughty child called to the teacher's desk for a reprimand. They were suspicious of the conference because they knew it was designed primarily to obstruct their schemes for China. But with their potential ally, Germany, out of the running and with Russia involved in a communist revolution at her very back door, the Japanese felt it would be better to attend than stay out. Japan's acceptance of the invitation was actually not received until two weeks after all the other official acceptances were in; and it was widely reported that Japan's decision to attend the conference resulted from assurances from British sources that Japan "would not be treated badly" at the meeting. However, any assurances from British circles could hardly have carried much weight, in view of the fact that one of the chief objectives of the conference, though not stated in the formal invitation, was to abrogate the Anglo-Japanese alliance.

Although strong opposition to the continuance of the Anglo-Japanese alliance had developed in the United States during the war, it was the opposition of the Dominion of Canada that forced Great Britain to give serious consideration to the matter of discontinuing the pact. The Canadians felt, as did Americans, that the belligerent clauses in the alliance imposed dangerous obligations on Great Britain in the event of an outbreak of war between Japan and the United States. The Canadians, due to the geographical situation of the two countries, also had experienced complications with Japan over immigration questions. Immigration complications which the United States had experienced with Japan in California in 1908 were paralleled in Canada. Thus, when American-Japanese relations became acute in in 1921, the Dominion of Canada was more affected by the so-called "North American" point of view as opposed to the London "imperial" viewpoint. In consequence there developed in Canada a national demand for termination of the alliance.

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Pages 76, 77, and 78.

Arthur Meighen, the Canadian Premier, urged the substitution of a four-Power conference on Pacific affairs, to be participated in by the United States, Britain, China, and Japan. But at the Imperial Conference in London Meighen's efforts met strong opposition not only from Lloyd George, but from Curzon, Balfour, and Lee, all of whom feared the menace of an antagonized Japan toward India and Britain's other territorial and economic stakes in Eastern Asia and the Pacific. In the hot debate which ensued the delegates from Australia, New Zealand and India sided with Britain, while South Africa favored revision rather than abrogation. But Meighen stood his ground, and ultimately brought the imperial conference around to his point of view. It was this discussion in the Imperial Conference, plus England's desire to reach an understanding with the United States on the limitation of naval construction, that paved the way for the calling of the Washington Conference.

Aside from France and Italy, which possessed naval armament of considerable strength, and also held concessions in China, the other European Powers invited to the conference--Netherlands, Belgium, and Portugal--held either concessions in China or colonial territories in the region of the Pacific.

The conference in many ways was of unusual significance: it was America's initial attempt to invoke an international conference for the purpose of reaching a peaceful settlement of questions which had long threatened war in the Pacific. Attendance was entirely voluntary in the sense that the conference was not made up of delegates representing victorious and vanquished nations, as had been the case at Versailles. The British delegation was made up of representatives not only of Great Britain but of Canada, Australia, New Zealand, and India.

European and Japanese delegates were astonished when Charles E. Hughes, chairman of the American delegation, announced at the opening session that the United States was prepared to stop its naval building program and, more, was prepared to scrap a number of warships which were in an advanced stage of construction. The American proposal was so contrary to professional diplomatic practice that the delegates stared at each other in wonderment, but it was a proposal which the British could hardly afford to contest, since the British Admiralty was already concerned by the American naval construction program.

It was finally agreed that the Anglo-Japanese alliance would be abandoned, and Japan was persuaded to accept a 5:5:3 naval ratio with the United States and Great Britain. A compensation for Japan was the agreement that the United States would not increase or continue its construction of fortifications on naval and military positions west of the 180th meridian. American naval experts did their best in private to prevent the limiting of our fortifications on naval positions in the Western Pacific, and also to prevent the curtailment of the United States naval building program, but they fought a losing fight.

All of the agreements, resolutions, and proposals at the conference were more or less linked together around the central document, which was the Nine-Power Treaty with China, upon which all commitments depended, including the major issue of limitation of naval armament and curtailment of construction on naval bases in the Pacific area. The Nine-Power Treaty came to be known as the "Chinese Charter of Liberty," because it put an end to the old sphere-of-influence doctrine which had obsessed Europe and Japan, and for more than a quarter of a century had threatened

PURL: http://www.legal-tools.org/doc/4ab673/

Page 78

Dismemberment of China. Aside from the Nine-Power Treaty, the Washington Conference also adopted other measures concerned with the future development of China as a unified state. The Japanese were forced to withdraw their troops from Shantung Province and restore the former German interests at Tsingtao, including control of the port and railway running into the interior of the province, to Chinese control. The conference also approved a resolution to send a delegation to China to investigate the relinquishment of extraterritoriality, which had hampered the development of modern Chinese courts and had infringed upon the sovereignty of the country. It also was recommended that steps be taken to assist China in modernizing her currency and her fiscal system, and finally the Powers agreed to withdraw their postal agencies from China and consented to the calling of a conference to revise the Chinese tariff, leading in the direction of tariff autonomy. Also of importance from the standpoint of Russian interests in the Far East, the Japanese were forced to withdraw their troops from Siberia, where they had been stationed since World War I.

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not used Not admitted

Not Admitted

Excerpts from
Prosecution Witness JOHN B. POWELL's Book
"MY TWENTY-FIVE YEARS IN CHINA"

****

(New York, The MacMillan Company, 1945)

Shantung and Washington

Page 79

The French displayed little enthusiasm for the conference and, while they agreed to restore to China the French-leased territory at Kwangchowan, southwest of Canton, they did so with poor grace and actually never carried out the terms of their agreement.

Opinion; not contain opinion. Contains facts how does he know how alliance came to be abrogated

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Excerpts from
Prosecution Witness JOHN B. POWELL's Book
"MY TWENTY-FIVE YEARS IN CHINA"

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(New York, The MacMillan Company, 1945)

Wars in the North

Page 85

My last interview with General Wu, and probably his last interview with any foreign newspaperman, was in the winter of 1926-27, after he had been appointed commander-in-chief of the Allied Anti-Red Army and had established his headquarters at Hankow in Central China. Despite his high-sounding title, Wu's position was pathetic, as it constituted the last stand of the reactionary northern militarists against the advancing Nationalist revolutionary forces from the south. I met Wu at breakfast in the garden of an old Chinese home where he had his headquarters. He had been drinking more heavily than usual, and was depressed because of the collpase of his forces in Hunan; they had been completely demoralized by the Russian-trained propaganda corps which preceded the advance of the Nationalist troops. The Communists exerted their best efforts in Hunan and executed their "fifth columnist" work so well that Wu's troops fell back without fighting, and while they put up a strong fight at Wuchang, last remaining stronghold in centr China, they ultimately withdrew.

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DLF DOC # 202-E-1

檢事側證人　ジョン　ビー　ポーウェル著「中国在住二十五年」
より抜粋　（ニューヨーク　マックシラン會社一九四五年版）

北北方に於ける戰爭　八五頁

吳將軍と予との意見は、將軍としても外人記者との最後の會見であつたらうが、一九二六年より一九二七年にかけての冬の事であつた。

之より先將軍は反共門合會の總司令官に任命せられ、蔣中瀋口に司令部を置いた。彼はその地位は衰れなものであつた。

と云ふのはその後と云へば南方から北進して來る國民革命軍に對して、反動北方軍閥として最後の抵抗をなすことであつた。

したのは、將軍がその司令部となしてゐる食の間であつた。　將軍はのになくしたいかに於ける際下の冒險の崩壊の爲氣銷沈してあた。その冒險は國民軍の進軍に先立ち人り込んだロシア人この宣傳隊の工作で安全に風紀頽廢してあた。

共產黨員は湖南に最も力を注ぎ、その第五列の活動めざましく、吳の軍隊は門はずして敗れ、蔣中に於て最後迄殘つた西寧、武昌にて强力な防衛計

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DEF DOC # 202-L-2

官中、遂に徴退したのであつた。

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Excerpts from
Prosecution Witness JOHN B. POWELL's Book
"MY TWENTY-FIVE YEARS IN CHINA"

****

(New York, The MacMillan Company, 1945)

Wars in the North

Pages 85 and 86

Wu retired after his defeat. He always refused political office, and never profited personally, although for a considerable period he had been the most powerful military man in the country. He always insisted he was a military man and knew nothing about politics--which probably explained his failure, as warfare in China had become more political than military, as the all-conquering Nationalists proved.

General Feng Yu-hsiang, who in 1922 was supporting General Wu, was another unusual character. Feng's army, which marched to the tune "Onward, Christian Soldiers," was the predecessor of the Communist Eighth Route Army in the Chinese northwest. Like the commanders of the present-day Chinese Red Army, Feng Yu-hsiang also received special training in Russia and his soldiers carried Russian rifles, some of them being American-made, sold or given to the Czarist Government in World War I.

Karl Radek, former Soviet publicist and disciple of Trotsky, who was imprisoned in return for his confession, in Stalin's purge, used to entertain his friends with stories about Feng Yu-hsiang, who was in one of Radek's classes in revolutionary technique. He said that Feng, who came from northern Chinese peasant stock, sat stolidly through most of the lectures without evincing any outward interest in the subjects under discussion. One day, however, Feng suddenly pricked up his ears and began asking questions. The particular lecture which had aroused Feng's interest dealt with army finance and the financing of occupied territory, subjects of deep concern to Chinese generals, many of whom managed in one way or another to amass comfortable fortunes out of funds which passed through their hands.

Feng came up through the ranks and learned the art of war the hard way. Somewhere along the line he fell under the influence of an American missionary and was converted to Christianity. While Governor of Honan he once ordered an entire division baptized in the Christian faith by total immersion in the Yellow River. While he was stationed in Peking in 1924 he married the secretary of the Peking Y.W.C.A. Politically Feng was an undependable ally; in 1924, when Marshal Wu Pei-fu was engaged in a life-and-death struggle with Chang Tso-lin, Feng, who was holding the Peking district, rebelled and seized the capital. He made the then President Tsao Kun a prisoner and chased the Manchu Boy Emperor from the Forbidden City, where he had resided as a government ward since the revolution in 1911.

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LEF DOC # 202 E-3

弁護団文書第二〇二ー三号

故宋国副総人ジョン、ビー、パウエル氏著「吾在支廿五年」抜萃

（ニューヨーク、マクミラン會社一九四五年）

北方に於ける戦々々

八五頁、八六頁

吾は政界の裏面を通した。彼は常に政治的地位に就くことを拒み、又相當期間その國に於ける最も有力ある個人であつたにも拘らず決して私腹を肥やす如きことをしなかつた。彼は「自分は一介の個人に過ぎず、政治に於ては何一つ判らない」と何時も笑つてゐたが、此れが彼の成功を大凡そ物語つてゐる。さ云ふわけは中國に於いては官吏である國民党員が官吏で在りした儘に常時内戦の中心の内地は軍事的戦争と云ふよりも政治的闘争となつて來てゐたからである。

一九二二年に吾輩を支持してゐた馮玉祥氏も又尊敬な人物であつた「進め、キリストの兵士よ」を軍歌にして合せて行軍した馮氏は實は中國北西部に於ける共産八路軍の完璧であつたのである

PURL: http://www.legal-tools.org/doc/4ab673/

DEL DOC # 202 I-5

今日の中國共産黨員の統率者の如く、馮玉祥も又ロシヤに於て特殊訓練を受けたし、その訓練はロシヤのライフル銃を携帯してゐた。その或る物は米國製で第一次世界大戰の際帝制ロシヤ政府に要却し又は讓與されたものであつた。

前ソヴエット政事記者であり、スターリン青年に於てその告白の返信に書かれたトロツキー門下カール、ラデツクは、革命手帳上彼獨特のクラスに屬してのた馮玉祥を面白がらされたものである。彼は北支の百姓衆の出の馮が治ざの時機を逸じて軟禁中の時間に何等興味を惹かれてゐる様子もなく唯々「もさーつ」と着席してゐたと言つてゐる。馮がその馮が耳を傾て、質問をし始めたのである。馮がそれに關つて興味を覺えた時と云ふのは、中國の將來建が非常な關心を寄せてゐる科目であるところ財政面に占領地の金融を論じてゐたがそれらの將來の多くはその彼ふ委會から何さか彼さかしてへそくつてはせつせと安樂な私生活の財を貯へてゐた連中であつた

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DEF DOC # 202 L-3

馮は各階級を經て順次昇進して行き六ケしい方法で政術を學んで行つたその間ふとしたことから米人一宣教師の感化を受け、キリスト教に改宗した。河南省長だつた時、彼は一度或る師団全体に命じ黄河の流れに全身を浸してキリスト教の洗禮を受けさせたことがある。彼は一九二四年北京陸軍中に北京Y、W、C、Aの秘書と結婚した。政治的に彼は當てに出來ない同盟者であつた。

一九二四年呉佩孚元師が限作禁と陰ふか喰はれるかの爲爭をなしてゐた際北京地域を支配してゐた馮は呉を討伐して首都を包圍した。彼は大和流賣クンを討伐し、南洲幼帝を彼が政府の被保護者として一九一一年の革命以來住んでゐた奥都より追放した。

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Canadian

not used

Defense Document 202-E-6

Excerpts from
Prosecution Witness JOHN B. POWELL's Book
"MY TWENTY-FIVE YEARS IN CHINA"

****

(New York, The MacMillan Company, 1945)

Not handed in

War in the North

Page 88

I interviewed the Marshal regarding domestic Chinese politics, and he assured me that his intentions were entirely pacific; that he was only interested in unifying China--by force, if necessary. He denied that the Japanese had anything to do with his decision.

During my interview I repeated the reports about his relations with Japan. He told me that he had served on the Japanese side during the Russo-Japanese war as a guerilla leader, harassing the communication lines of the Russians, and probably had a great deal to do with the defeat of the Russians in their war with Japan in 1905. No one was in a better position for this work than Chang Tso-lin, for he was a product of the Manchurian mountains and forests.

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not used

of Loc No. 202-E-6

辯護團文書二〇二ー五ー六

檢察團側證人ジョン・ピーボーウエル著「在華二十五年」よりの抜萃

（ニューヨーク、マツクミラン會社、一九四五年）

北部の戰爭

一八頁

八八頁

私は中國の國内政治に關し元帥と會見した。元帥は私に確言して自分の意圖は飽く平和的で、中國を統一することが必要とあらば武力によつてこれを統一することだけが自分の關心であると語つた。また日本人が元帥の決意に何らかの關係があるということを否認した。

私は會見中、元帥の日本との關係に關する諸報道を繰返して述べた。元帥は私に日露戰爭中游擊隊指揮者として日本側に參し、一九〇五年の對日戰爭に於けるロシヤ人の敗北に大いに與つて力があつたらしいと語つた。この仕事の最適任者には張作霖をおいて他に無かつた。張作霖は滿洲の山賊、森林の所産であつたからである。

2/ Mar 1940 II-2

not used

Defense Document 202-F-9

Excerpts from
Prosecution Witness JOHN B. POWELL's Book
"MY TWENTY-FIVE YEARS IN CHINA."

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(New York, The MacMillan Company, 1945)

Incident of the Blue Express

7--Release and Reparations

Pages 120 and 121

The full extent and significance of the bandits' demands were not fully realized until the "peace conference" between the outlaws and the Government's representatives got under way. Never was a stranger or more dramatic conference held. In the little temple on the side of the mountain, visible from the village where the conference was held, sat the little band of captives whose lives hung in the balance as the talks seemed to sway from one side to the other. Most disconcerting to Anderson and me were the frequent "off-side" sessions of little groups, usually held in secret behind the rambling one-story building where the meeting was held. We never could tell whether they were walking out entirely, and we always heaved a sigh of relief when they returned. Each chieftian wanted a large sum of money "in real silver," some of the demands running as high as a million dollars. But this was not to be regarded as sordid ransom; it was "back pay" for the rank and file, practically all of whom at one time or another had been connected with some provincial army. Each chief naturally demanded that all of his followers be taken into the army and provided with new uniforms. Also there were demands for enormous quantities of rice and flour, the amounts being specified in tons of thousands of piculs, the Chinese unit, equivalent to 133 pounds avoirdupois.

The most significant demand, constituting evidence of political and possibly foreign intrigue, was that the so-called bandit area, embracing a section of several hundred square miles and including portions of the three provinces, Kiangsu Shantung, and Anhwei, be "neutralized" under some form of international guarantee by the foreign Powers. The area which the bandit leaders specified included the important railway junction point of Hsuchowfu where the north-south Tientsin-Nanking line crossed the east-west Lung-Hai line. The bandits insisted that their force, now expanded to possibly a division, be stationed inside the "neutralized" area. The demands included specific conditions regarding collection and apportionment of taxation, exploitation of coal mines and other minerals, and development of communications. It seemed to me that the bandits must have had outside assistance in working out the plan which appeared to be beyond the capacity of a band of mountain outlaws.

The inspiration behind this particular demand, aside from the element of self-preservation, still remains a secret. Some thought it was Japan's method of retaliation for the action of the Powers at the Washington Arms Conference in forcing Japan to restore Shantung to Chinese sovereignty. Others thought the bandits were instigated by southern political interests antagonistic to the Peking Government and hoped in this manner to discredit their political enemies. Dr. Jacob Gould Schurman, American Minister, told me several months afterward that he had never been able to get to the bottom of the incident, and was surprised when the central government suddenly offered to refund the losses suffered by the passengers and agreed to pay the captives an indemnity figured out on a per diem basis for the time they were held in captivity.

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Pages 121, 122 and 123

There had been a time in the not too distant past when a foreign Power or group of Powers might have taken advantage of the bandit incident to establish control over Chinese territory. Germany had seized the port of Tsingtao on the Shantung coast twenty-three years earlier, in retaliation for the killing of three German missionaries; Russia had seized Port Arthur on the Gulf of Chihli (Po Hai); and Britain had established a training station at Wei-hai-wei on the north side of the Shantung Peninsula. But imperial Germany and imperial Russia were temporarily out of the running, and the other Powers with interests in the Pacific had adopted a new program, in their relations with each other and with China, which had gone into effect at the Washington Conference. All of the Powers, including Japan, had agreed to abandon their old spheres of influence and concessions, and had signed a treaty guaranteeing China against just such interference in her domestic affairs as the bandits were inviting. It was certain that the bandits had not originated the foreign-concession idea themselves; there must have been instigation from some outside quarter, possibly for the purpose of testing out the Powers as to their sincerity concerning the Nine-Power Treaty.

After eliminating the ridiculous, the conference finally settled down to the familiar old-fashioned game of bluff and compromise so dear to the hearts of all true Sons of Han. The bandits' demands for the release of the foreign captives finally narrowed down to two points: Was the Government willing to take the entire gang into the army and to hand over to the chieftian a sufficient sum to pay the salaries of the "new army" for six months in advance? The Government, under pressure by the Powers, was willing, but it wanted the amount of money involved and the number of bandits taken into the army held down to reasonable proportions. The exact amount paid over and the number of soldiers decided upon was never announced, but the debate was long and acrimonious. The conference had a dramatic conclusion when Sven Mao-yao, the youthful leader, held up his hand and after proclaiming his loyalty to the Government, signed the agreement. The other chiefs then walked up and signed, following which the Government officials affixed their signatures or seals to the document, which was then pushed across the table for Anderson and me to sign as witnesses and guarantors of the good faith of both participants.

One day six months later Anderson telephoned me and stated in great indignation that he had just received word that the Governor of Shantung had violated the agreement and through some subterfuge had enticed the bandits away from their guns and had massacred some six hundred of them with machine guns. Sven Mao-yao, the youthful chief, was also executed. Most foreigners approved the action of the Shantung Governor, but Roy Anderson, better versed in current Chinese "checkerboard" politics, predicted that the action of the Shantung Governor would have tragic results in case other foreigners were kidnaped by bandits or rebel troops in future-- a forecast which was borne out by later developments when many foreigners, chiefly missionaries, lost their lives when ransoms were not immediately forthcoming. The missionaries were the chief sufferers, because they generally refused to pay ransoms, on the ground that such payments only incited further kidnaping of mission workers.

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Page 123

As the foreign captives were aware of the negotiations proceeding in the village in the valley, they spent many anxious hours awaiting the conclusion. As the day drew to a close they had practically given up hope when a messenger arrive with a slip of paper ordering the release of the captives. "Thank God," was the involuntary utterance, but there was still further delay; the bandit leaders insisted on providing sedan chairs for all members of the party so that they could depart in a manner befitting foreign guests. We didn't actually get away until after nightfall, and in consequence didn't reach the rescue party at the coal mine until long after midnight. When we woke up the next morning our train was moving; the government railways had provided us with a special running straight through to Shanghai. When the train arrived the next day Shanghai's entire foreign population, which had been demanding strong punitive measures in reprisal for the bandit outrage, turned out in such a crowd that they blocked the streets leading to the railway station.

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匪賊側の要求の範圍及び意味は匪賊と政府側代表との間の「平和會議」が開かれて始めて、その全貌が明らかになつた。未だ嘗つて此程奇怪且劇的な會議は開かれたことはない。會議が行はれた村から見える山腹の少さな寺には、抑留者が少さく一團となつて座つてゐた。彼等の生命はその會議の均衡に懸つてゐた、といふのに、その會議は甲乙殴いづれとも決する模様がなかつたからである。

アンダーソンと自分が一番當惑したのは少佐の要求が何度となく寄り集つては「オフサイド」の會議を開くことで、この會議は會見の行はれた崩れ落ちんばかりの平家造りの建物の後で秘かに行はれた。我々には彼等が全く出て終ふのかどうか皆目不明であつたので、彼等が戻つて來ると、何時でも安堵の溜息を洩らした。匪賊の首領は莫大な「現銀」の金を要求し、その中には百萬弗もの要求もあつた。しかしこれは過當な身代金と考へることは出來ない。つまり、突發上すべて或地方官と過去に於て何時か關係にあつた兵卒非に對する「後拂金」だからである。又首領は夫々その部下を全部、冒險に陷入し新側服を支

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給する様要求したが之も當然である。更に大量の米と、小麥粉を要求し、その決定した量は改高梯に上つた、一時は一三三萬噸に當る支那の重量の單位である。

政治的な侵害、又外國借金の侵害の證據とたる點も重要な要求は、改百平方哩の地區に渉り江西山東安徽に跨る所謂匪團地帶を何等かの形で外國列强の國際的保證を以て中立化せんとするものであつた。匪賊の首領が劃定した地帶の中には除州府なる交通の要衝があり、此所江南北の津浦線との交叉點をなしてゐた。匪團の主張では、現在では一個師團にも及ぶる彼等の兵力をこの「中立」地帶内に駐留せしめよと云ふのである。その要求の中には特別の條件として、設金徴收及劃當、炭山及他の鑛山の開發及交通の發達に關するものがあつた。匪賊共は此の點を作るのに外部の援助を得たに相違ないと私には思へた、といふのは此の點は一見して山間の一味の手に負へぬ様なものであつたからである。

自己保全の意味とは別に此の特殊の要求の背後にある著想は依然と

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して秘密となつてゐる。或る者は、山東省の中国人民附き日本に留学するワシントン会議での列強の工作に対する日本の報復の一つの遣り口だと見る向もある。又匪賊は北京政府に敵対する南方政治勢力の刺激を受けたと見るものもある。アメリカ公使ジャコブ、ゴールド、シーマン博士は事件の真相を知ることが出来なかつた又同に、言いたことに対して抑留期間に対し日割計算にして賠償金の支拂をなすのに同意したからである。

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（四三頁）

辯護國文書二〇二―F―九號……（續）

一二二、一二三、一二三

其れより余り遠くない以前外國が單獨に若くは聯合して中國國土に支配權をうちたてる爲に匪賊事件を利用出來たらうと思はれる時期があつた。ドイツは三人のドイツ人宣教師殺害の報復に二十三年前に山東海岸にある青島港に接收した。ロシヤは直隸灣（渤海灣）に面する旅順港を略取し、イギリスは山東半島の北岸の威海衞に訓練用要港を建設した。然しドイツ帝國の如にロシヤ帝國は暫く競爭圈外にあり、太平洋に利權を有する他の列强は彼等相互如に支那に關し、ワシントン會議の時既に效力を有してゐた新しい領土を採用した。日本を含む全列强は從來の勢力範圍及び租界を放棄することに同意し、國匪が招いたやうな內政干涉を爲さないと云ふことを支那に對して保證する條約に調印した。國匪そのものが外國租界の觀念を起したのではないことは確實であつた。そこには九ヶ國條約に關する誠實性に於て、多分列强をためして見る目的で或る外部方面よりの使嗾が

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あつたに違ひない。

愚につかぬ事を取除いた後、會談は終りにきつすいの漢民族の後裔なら誰の氣持にもしみ込んでゐる、やり慣れた昔ながらの欺瞞と妥協の駈引きに落ち着いた。外人捕虜の釋放の交換條件に出した國匪の諸要求は結局二つの點に縮少された。即ち政府は全匪賊を罪除に編入し、この新罪除の六ヶ月前拂の給料を支拂ふに充分な金を首領に手渡す意志ありや。といふことであつた。列國の壓迫下にあつた政府はその意志はあつたがそれだけの金額を持つておらず、罪除に編入される匪賊の人數を過度の割合に引き下げた。支拂はれた正確な金額と決定された兵隊の人數とは決して公表されなかつたが然し計論は長く激烈であつた。青年頭首ヌウエンマオ・ヤオ一番調〉が腕を振り上げそして政府に對する彼の忠誠を宣言して後その協定に調印したので會談は劇的終了となつた。次ぎに他の首領達がずつと進み出て調印をし、之に續いて政府官吏がその文書に署名捺印した後兩會談者の信實性の立會人竝に保證人として署名する爲にテーブルの向側アンダーソンと私の方にそれを押しやつた。その後六ヶ月たつた或る日、アンダーソ

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ンが私に電話をかけてきて非常に嘆願した口吻で山東省長が約定に違反して何か狡猾な方法で匪賊から彼等の銃を手放させて置いて機関銃で彼等をうち約六百名を　殺したと云ふ報告を受けたばかりだと云つて來た。彼の青島首スウエンマ、ヤオ（音譯）も死刑に處された。大抵の外人は山東省長の行爲を是認した。が然し今の中國の「時代精神改變」に諂よりも寧ろしてゐるロイ、アンダーソンは誰か外國人が將來屈辱に拉致された場合に山東省長の行爲は悲劇的結果を齎らすことにならうと豫言した。

即ち此の豫想は後に發展して多數の外國人主として宣教師が即座に身代金が出なかつた爲に命を失つた時に至つて問題がなかつたことを證明された宣教師達が主な犧牲者であつた。さいふのは彼等は身代金を出すことなどは布教職にある人達を更に拉致する樣に煽動するだけだと云ふ理由で彼等は大抵その支拂を拒絶した爲であつた。

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〝二二頁

外國人俘虜は谷間の村で道行してゐる交渉のことを知つてゐたので長い時間不安の念にかられながらその結末を待つた。日も暮に近かつたので彼ひの者が俘虜の釋放を命じた紙片を持つて來た時彼等は既に寢室上望を斷念して居た。一刻も早くございますようにと思はず口をついた。だが釋放はなほ手間どつた。卽ち匪賊の頭目は彼等が外國人の賓客にふさはしい方法で出發できる樣に一行の全員の爲肩かごを用意することを主張した。我々は寢室上夕暮過ぎる迄脫出せず、その結果夜中を隨分過ぎる迄坑に居る救援隊の處へ到着しなかつた。翌朝眼をさました時には列車は我々をのせて走つてゐた。政府の鐵道が上海迄の特別直通列車を我々に提供してゐたのである。列車が翌日到着した時、匪賊の不法に對する報復に强抗な懲罰手段をとることを要求してゐた上海の全外國人は非常な擧集となつて出動したので停車場に通ずる道と云ふ道は彼等で一杯で通られなかつた位であつた。

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not used

Excerpts from
Prosecution Witness JOHN B. POWELL's Book
"MY TWENTY-FIVE YEARS IN CHINA"

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(New York, The MacMillan Company, 1945)

Factional Troubles of the 1920's

Pages 132 and 133

The Chinese Communists, who were admitted to membership in the Kuomintang on an equal basis as a result of a conference of delegates in Canton on January 20, 1924, had from the first endeavored to exert pressure on the party. The first indication of serious trouble between the Kuomintang and Communist factions was given early in 1926.

Four young military officers, all graduates of the Whampoa Academy, organized an anti-communist movement. The four men, all destined to become prominent in the next few months in the military drive to the Yangtze Valley, were Li Tsung-jen, Li Chi-sheng, Chu Peh-teh and Ho Ying-chin. General Chiang Kai-shek, head of the Central Military Academy, steered clear of the Kuomintang-Communist controversy, but his trip to Russia in 1924 caused him to be suspected of pro-Red leanings. A record of his activities in Russia, however, indicated that he had been cold to Soviet blandishments. As a result of pressure by the four young military officers, General Chiang, on March 24, 1926, issued a statement that he would follow the teachings of Dr. Sun's Three Principles (see preceding chapter), and would discontinue all connections with the Communist wing.

General Chiang Kai-shek's disinclination to side with the Communists was due to two factors: First, his birth and environment in industrialized, conservative Chekiang Province and his association with the banking and commercial elements from that province which dominated Shanghai business; second, the advice of a fellow provincial, Chang Ching-kiang, an almost mythical character who had become immensely wealthy in the silk and curio trade between China and France in the latter years of the Ching Dynasty. (Many of the rare Chinese works of art purchased by American millionaires came to this country by way of France.) Chang Ching-kiang, the curio dealer, espoused the revolutionary cause and contributed large sums to Dr. Sun's war chest. He participated in the conferences preliminary to the formation of the Nanking Provisional Government, but refused to accept office. Two years later he again helped Dr. Sun in opposing Yuan Shih-kai's monarchist plot, and as a result was proscribed, along with many others, by the Yuan regime. Chang Ching-kiang fled to Paris, where he opened a profitable curio and art store and also a popular restaurant where Chinese foods, particularly soya-bean products, were sold. After the passing of Yuan Shih-kai, Chang returned to Shanghai, where he further increased his fortune in the stock and gold-bar exchanges. It was here that he became acquainted with Chiang Kai-shek, and assisted him financially. In 1925 he went to Canton and became a member of the Constitutional Government. He accompanied General Chiang Kai-shek on the military advance to the Yangtze, and after the split between the Kuomintang and Communist factions he joined the Nanking Government. In his later years his health failed, and it became necessary for him to travel about in a wheel chair. But there was no impairment of his opposition to the Communists.

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Pages 133, 134 and 135

Hu Han-ming, civilian leader of the right-wing Kuomintang group, also opposed the Communists, but Wang Ching-wei, the other civilian contender for the position held by the late leader of the party, Dr. Sun Yat-sen, sided with the Reds and in company with a number of the Russian and American advisors of the Canton Government departed for Hankow.

By the summer of 1926 the Nationalist army, under the command of Chiang Kai-shek, started its northward advance from Canton. As a result of the anti-imperiali propaganda inspired by the Communist faction of the Kuomintang, foreigners, particularly missionaries residing in the interior of the country, were seriously affected by the Nationalist Revolution which was sweeping northward. Mission schools, churches and residences were looted and thousands of missionaries were forced to flee to Shanghai.

But the most dramatic developments of the revolution took place at Hankow, Nanking and Shanghai, where the smouldering hatred and intrigue for power between the Kuomintang and the Communists broke out in furious internecine conflict. General Chiang Kai-shek's charge that the Communists had sent secret emissaries int the cities for the purpose of seizing control prior to the arrival of his troops, was borne out by developments at both Hankow and Shanghai. In both cities Communis activity originally was directed at the control of student and labor organizations.

Students of the Chinese Nationalist Revolution whose sympathies have been on the side of the radical or communist factions have purposely ignored the developments at Hankow which tell the most significant story of the failure of Chinese Communists, and their foreign advisers, to accomplish their ambitious plan of seizi control of the Nationalist movement and establishing communistic government in Chin They blame "foreign capitalist-imperialist influence," "new militarism" and native "banker-landlord influence" for their lack of success, but while these elements did contribute, there were other and more fundamental causes.

Of the many causes for the failure of the Red regime at Hankow not the least was the action of the leaders in preaching class warfare and catering to radical student-labor groups in a society which was predominantly agricultural and where there had never been any classes, except the old educated or "literati" group which was, theoretically at least, open to all youths of ability who could pass the official examinations. After the capture of the Wu-Han cities, which had been accomplished largely by the military strategy of General Chiang Kai-shek, the leftist Chinese leaders and their foreign advisers staged a viritable "Roman holiday" i celebration of their victory over "capitalistic imperialism." There was a trial of two "war prisoners" staged in the Russian manner, the culprits being two northern generals who were captured at Wuchang. Thousands of laborers employed in the mines factories, and processing plants (Hankow is popularly known as the Pittsburgh of China) ceased work, and led by radical elements spent the days and nights in speechmaking, parades, and demonstrations. Streets were filled with marching students and laborers carrying banners inscribed with slogans, "Down with Capitalists and Imperialists," "Support the World Revolution," "Workers of the World, Unite," and similar sentiments. Thousands of young peasants from Hunan Province, where an intense Red propaganda had been conducted for a considerable period, flocked into Hankow to join the festivities.

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Pages 135, 136 and 137

The industries of the Wu-Han area were forced to close down: press-packing plants where native products were prepared for foreign markets; manufacturing industries, including cotton spinning and weaving mills; vegetable-oil pressing plants, hundreds of small native-owned industries, the great Han Yeh Ping coal and iron interests (controlled by Japan), large cigarette factories owned by Britons and Americans, the shipping industry operating large sea-going steamers on the lower Yangtze and smaller but more powerful steamers capable of negotiating the rapids of the Upper Yangtze, and an enormous junk trade operated by the Chinese on the great canal system and lakes of central China. Thousands of workers, who had been spending their days celebrating the revolution by holding parades and demonstrations, suddenly found themselves without meal tickets.

Since the Government had catered to the radical elements and encouraged the strikes, the student-labor groups naturally turned to it for support. The Government thus found itself in a vicious circle of its own making, and had to adopt the suicidal method of issuing floods of paper money in order to purchase rice for the hungry multitudes. Prices for food, particularly rice, shot up to prohibitive heights.

In order to save the Government itself from retaliation by the hungry crowds, propagandists attempted to turn the revolutionary sentiment against the foreigners. More parades were organized, with banners denouncing foreign imperialism, and the British Concession was over-run. No attempt was made to invade the Japanese Concession, which was bristling with machine guns. The British Concession was guarded only by a small naval contingent and a local volunteer corps and police force. Unable to cope with the excited demonstrators who stormed the borders of their Concession, and fearing a debacle, the British Consul-General, an Irishman named O'Malley, ordered the British population to withdraw to British ships in the harbor which was accomplished without incident. Possessed of more political sagacity than most of his compatriots, Consul-General O'Malley immediately entered into negotiations with the radical Foreign Minister, Eugene Chen, and the outcome was the sensational Chen-O'Malley Agreement whereby Great Britain agreed to return the British Concession at Hankow to China. The official release from the Foreign Office in London stated that the action "accorded with Britain's long-existing intention to return her Concessions to Chinese control."

When the Chinese found themselves in possession of the British Concession calmer counsels prevailed, the excitement died down, and the paraders returned to their quarters.

Another element which had a calming effect on the situation at Hankow was the receipt of alarming reports from Nanking, some four hundred miles down the Yangtze, stating that American gunboats had been forced to fire on a mob of demonstrators, including troops, which were attacking the American community, with officials of the American Consulate and their families. Suddenly realizing the seriousness of the complications in which they had become involved, Foreign Minister Eugene Chen sent a wire to the State Department disavowing responsibility for the Nanking outrages but offering remuneration for damages suffered by foreigners at the hands of Chinese radical elements.

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The Chen-O'Malley Agreement providing for the return of the British Concessio at Hankow to Chinese control, and the official telegram from the radical Chinese regime at Hankow to the State Department, marked the high point in the strange career of Eugene Chen, who had figured prominently in Chinese politics for a decad Born in Trinidad, British West Indies, of a Chinese father and a Trinidad woman, Chen was educated as a British barrister in England and had been admitted to practice in Inner Temple, London. But the pull of his Chinese blood was too strong, and he returned to China, along with thousands of his compatriots from the Seven Seas, to participate in the revolution. Having a fair classical education in English (he could neither read nor speak Chinese), Chen naturally gravitated into newspaper work and on occasion stirred the sluggish English communities in the Far East to white heat with his editorials, filled with classical quotations from English literature. He edited radical papers in Shanghai and Peking, and once when the Chinese authorities in Peking arrested him and threatened him with execution, he remembered his British nationality, through birth in Trinidad, and appealed to the British Minister to save his life. Sir John Jordan, the aged, kindly, and influential British Minister, asked the Chinese authorities to release Chen--who, upon obtaining his liberty, fled to the sanctuary of the International Settlement at Shanghai. Later, Chen went to Canton and joined Dr. Sun Yat-sen's revolutionary Government and participated in the northern advance as a member of the radical faction, becoming Foreign Minister of the Hankow Government.

There was an illuminating incident in connection with the British evacuation at Hankow which was prophetic of later developments in British Far Eastern diplomac When the British were evacuating their nationals from the Concession to their ship. in the harbor, the British Indian community, consisting largely of Sikhs, was overlooked. After the white Britons were safely aboard the ships someone thought about the Sikhs, most of whom had been employed as policemen or guards and watchmen by the various foreign and Chinese business houses and manufacturing establishments. Some had become wealthy as money lenders. One of the consular officials went ashore to rescue the missing Sikhs, who had disappeared completely. While returning to his ship the British consular official stopped to observe a parade which had been organized by the students to celebrate the taking over of the Concession. At the end of the procession, also carrying banners denouncing foreign imperialists, were the missing Sikhs. They had "gone over" to the Chinese and Communist revolutionist

The action of the little group of British Indians in joining the Chinese revolutionists was prophetic of events to come: events in 1941-42, when British Indian troops at Hong Kong, in Malaya, and in Burma, and the Congress Party in India, either refused to support Great Britain or adopted an attitude of non-cooperation with respect to the war with Japan in the Far East.

The acquisition of the British Concession at Hankow enhanced considerably the prestige of the radical branch of the Kuomintang, but this could not be exchanged for the wherewithal to feed the hordes of unemployed laborers who had been encouraged to strike and agitate against the imperialists and capitalists. With adversity came treachery within the ranks of the radical factions. Wang Ching-wei, who already had a reputation for treachery, grew cold toward the radical Chinese and Russian elements.

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Mao Tse-tung, spokesman of the radical faction, attributed the failure of the Red regime at Hankow to the weakness or treachery of another Chinese leader, Chen Tu-hsiu, who allegedly compromised on fundamental policies concerning land redistribution. Mao was quoted in Edgar Snow's "Red Star Over China" as charging the Russian Advisor Borodin and a British Indian radical named Roy, a delegate of the Comintern, with joint responsibility with Chen Tu-hsiu, the party dictator, for the collapse. According to Mao, Borodin, the official representative of the Moscow Comintern, had ceased being an "adviser" and had become a dictator of the Kuomintang Party. Chen Tu-hsiu had concealed the real situation from the party leaders, but Borodin's activities allegedly were exposed by the Indian delegate Roy. This is said to have caused the defection of Wang Ching-wei and the split in the Hankow Left Wing Government which facilitated the victory of Chiang Kai-shek and the Nanking faction over the Radical-Communist branch.

Another unexpected element in the situation was that the collapse of the radic Hankow Government had serious repercussions in Moscow and contributed considerably to the collapse of Trotsky and advocates of world revolution. Stalin and his group seized upon the failure of the China adventure, which had cost the Soviets large sums of money and great effort, to discredit Trotsky and the whole group of advocates of "permanent world revolution." Borodin returned by a tortuous overland trip to Moscow in disgrace and became editor of the four-page English-language MOSCOW DAILY NEWS.

Sun Fo, son of Dr. Sun Yat-sen, who participated in the Hankow Government, but later withdrew, also confirmed Mao's statements, particularly the reference to the "dictatorial attitude of the Russians." Chen Kung-po, an American returned student and graduate of Columbia University, New York, who had specialized in economics and had served as secretary to Wang Ching-wei, wrote a series of articles (published in the CHINA WEEKLY REVIEW shortly after the collapse of the Hankow Government) in which he analyzed the causes of the collapse of the Hankow Red regime. He conclude by advocating a system of state capitalism and state ownership of industries as a means of surmounting the complications which develop when privately owned industrial establishments suspend operations and throw laborers back on the Government for support. Chen argued that only through the development of state capitalism could the Chinese Government hope to cope with powerful foreign interests established in the country, which in times of crisis usually are able to marshal the support of the large native Chinese industrial and banking interests in opposition to socialistic experiments. Chen Kung-po, formerly a political associate of Wang Ching-wei, later became head of the Japanese puppet Government at Nanking, following the death of Wang Ching-wei in Tokyo in 1944. Chen Kung-po was the only Chinese student, educated in the United States, who voluntarily joined the Nanking puppet. No Chinese student of any American university, to the writer's knowledge, ever joined the Chinese Communist faction. Thousands of American returned students are members of the Kuomintang.

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Defense Document 202-I

Excerpts from
Prosecution Witness JOHN B. POWELL's Book
"MY TWENTY-FIVE YEARS IN CHINA"

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(New York, The Macmillan Company, 1945)

Fighting in Shanghai

I--Imperialism, Nationalism, Communism

Pages 141 and 142

I had received numerous intimations long before the Nationalist armies reached the Yangtze that all was not going well with the Kuomintang-Communist partnership. The information I had received was in the form of two confidential pamphlets addressed by General Chiang Kai-shek to the party leaders, in which he charged that the Communists were secretly plotting to oust the Kuomintang and seize control of the party organization and ultimately of the Government. But I was not prepared fo the tragic developments which followed the Nationalist-Communist occupation of Hankow, Nanking, and Shanghai.

American and other Occidental missionaries whose stations were in the path of the advancing armies were the first to feel the effect of the Communist hook-up. Every boat and train brought hundreds of refugee mission workers, men, women and children to Shanghai. In most cases they were forced to flee from their homes, which were looted by the disorderly soldiers. Mission churches and religious schoo were particular objectives of the Reds and were subjected to wholesale desecration. The missionaries were attacked on two grounds--imperialism and the Christian religion.

I remember attending a press conference called by missionary leaders, at which one man after another got up and told of atrocities committed in his district by the political branch of the army. I asked one of the speakers how he accounted for the fact that the communist students and soldiers were able by the use of intensive propaganda to counteract the accomplishments of Christian missionaries extending over a long period of years. He replied, "It is always easier to destroy than to build," explaining that the widespread anti-imperialist and anti-religious propaganda directed at the missionaries was so closely linked with the question of nationalism and political reform that the majority of Christian converts were unable to come to the assistance of their foreign friends and benefactors. Any Chinese who helped a foreign friend was labeled a "running-dog of the imperialists."

Foreigners were aware of Soviet influence behind the Chinese Communists, but few realized that the struggle taking place in China was part of a similar life-and-death struggle which was going on within Russia between Joseph Stalin and Leon Trotsky, the two rival leaders in the Russian Communist Party following the death of Lenin. The struggle involved the fundamental objectives of the communist movement.

Lenin had declared, "China is seething--it is our duty to keep the pot boiling." But the attempt to communize China was the work of the Leon Trotsky faction, which advocated world revolution. Following failures in Germany, Austria, Hungary, and England, the directors of the Third International decided to attempt the communization of China and the millions of Asia. Also behind the ideologies lurked the desire on the part of the Russian Red leaders to even scores with the American, British, and other European capitalist-imperialists by attacking their loosely held colonial dependencies in the Far East.

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They argued that if they were successful in China it would mean another communist state and a triumph for the Third International, which had lost prestige as a result of the rebuffs it had suffered in Europe. Also, there was the prospect that such success would put a crimp in the rising political prestige of Joseph Stalin, who was bitterly opposed to the world revolutionary program of Comrade Trotsky. Stalin believed in concentrating power in Russia itself. Finally there was the prospect of blocking or suppressing thousands of Russian emigrees who had fled from Russia into Chinese territory after the Red Revolution in 1917. All emigrees were anti-Red.

Reds from all points of the compass--French, German, American, British, Hindu, Turkish--flocked to China to help put over the revolution and, incidentally, participate in the expenditure of the considerable sums which the Third International had collected from the Russian peasants and the world's working classes. Propagandists and political manipulators who had walked to work or had ridden on street cars in their home countries quickly discovered that new American motor cars were a "necessary adjunct" to their activities in China. Shanghai dealers in American cars did a thriving business while the Red boom lasted. But when Earl Browder, head of the American Communist Party, arrived at Shanghai he quickly put a stop to the reckless spending. At an elaborate banquet given in his honor in Shanghai, Browder refused to eat anything but black-bread and water, which he said was the fare of the starving Russian peasants who had put up the money for the Chinese revolution. But Browder arrived on the scene too late; the autocratic and dictatorial actions of certain of the Russian advisers had already alienated the support of many of th Kuomintang leaders.

I interviewed Browder on the subject of the communist situation in China, and heard him denounce in emphatic terms the political agents "who rode around in limousines and went to banquets when the peasants and workers of Russia and China were starving."

The intimate connection between the failure of the Russian communist experiment in China and the ultimate downfall of Commissar Trotsky is revealed in a passage in Trotsky's memoirs (Charles Scribner's Sons) wherein he charged that the Chinese Communist Party had been "forced to join the bourgeois Kuomintang and had been forbidden to create soviets, compelled to hold the agrarian revolution in check and also to abstain from organizing the workers." Trotsky alleged that Stalin supported the Kuomintang-Communist hook-up and had befriended General Chiang Kai-shek against attack. After the bloody suppression of the Chinese Communists at Shanghai, Trotsky said he had advised forbearance in the expectation that the action would attract more supporters to the Red banner. However, it did not work out in accordance with Trotsky's expectations and, to quote his words, "After the defeat of the German revolution, and the breakdown of the British general strike, the new disaster in China only intensified the disappointment of the masses in the international revolution, and it was this disappointment which served as the chief psychological source of Stalin's policy of national reformism."

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It was natural that developments at Nanking and Hankow should arouse deep apprehension on the part of both Chinese and foreigners at Shanghai, China's largest and most Europeanized city. It is one of the world's largest ports, and more industries are concentrated in the Shanghai district than in any other area of equal size on the continent of East Asia. The city then had a population of approximately 3,000,000, of which some 75,000 or 80,000 were foreigners of almost every nationality and race. It was the Far Eastern headquarters for most of the Protestant and Catholic mission establishments concerned with the propagation of Christianity among the Chinese people. As a result there was a larger investment of American capital in the Shanghai district than anywhere else in Asia, with the exception of the Philippines. British investments at Shanghai were larger than the American investments, and were exceeded only by British investments at Hong Kong.

Alarmist reports of events at Hankow which appeared in the foreign press, particularly the leading British paper, the NORTH CHINA DAILY NEWS, created a situation of near panic among residents of the International Settlement and the French Concession. A well known British journalist at Peking named Putnam Weale made a trip to Hankow and wrote a series of articles regarding the situation there which he entitled "Red Wave on the Yangtse."

I attended a press conference called by the manager of a leading British brokerage firm where it was explained that the foreign chambers of commerce and other organizations had decided to raise a large fund and initiate widespread counter-propaganda against the Communists. The chairman of the meeting asked the cooperation of the local press and suggested that each of the papers publish a special supplement exposing the communist menace. When he asked for comment on the anti-communist program, I expressed the view that any attempt to label the entire Nationalist movement as "Red" would probably defeat the object of the promoters of the campaign because it would antagonize all Chinese and tend to throw the entire Nationalist movement into the arms of the Reds. I said that the Nationalist movement in China long predated the advent of the Russian Communists, and since the objectives of the two movements were antagonistic, the hook-up was not likely to last overlong unless the Powers adopted a policy of outright opposition.

I also expressed the belief that neither America nor Britain would approve of any program which opposed the Nationalist movement, or any attempt to discredit it by labeling it communistic. I therefore refused to cooperate in the campaign, and left the meeting. The NORTH CHINA DAILY NEWS, senior British paper in China, usually followed an austere, and on occasion supercilious, course with regard to Chinese politics; but on this occasion the editor forgot his dignity and went all out editorially against the entire Nationalist movement. With the assistance of two American journalists who were employed for the purpose, the paper issued a supplement on the Red question which still stands as a journalistic curiosity, due to the exaggerated and hysterical articles it contained. One article which aroused considerable amusement instructed readers on "How to Spot Communists at Moving Picture Shows and Other Public Gatherings." Later, after the excitement died down, the directors of the paper dropped the American propagandists, employed another editor, and brought the policy of the paper into accord with the changed conditions in China.

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Pages 146 and 147

As a result of the self-administered propaganda, both foreign areas at Shanghai immediately went on a war basis, and thousands of coolies were employed day and night constructing trenches, barbed-wire barricades, and concrete blockhouses. The panic among the foreigners at Shanghai spread to foreign capitals, and was aggravated by further alarmist reports dispatched abroad by the foreign consulates and legations. Within a few weeks some 40,000 foreign troops were dispatched to the city, including American marines and soldiers, British soldiers, Japanese soldiers, Italian marines, and French Annamite troops from Indo-China.

The American forces were commanded by General Smedley Butler, a veteran of the Boxer campaign of 1900. Butler, a Quaker, constantly exasperated the other commanders by issuing pacifist declarations to the press.

At the height of the excitement I asked Butler, at a press conference, how many troops would be required for a general armed invasion in China sufficiently strong to suppress the Nationalist movement. Without hesitation he replied, "I would not dream of starting an armed invasion in China without a half million troops and it probably would require a million more before the end of the first year." General Butler's statement was confirmed a few years later when the Japanese were unable to conquer China with more than two million troops and after years of warfare.

On another occasion General Butler disclosed that his orders from Washington were "not to fire on any organized body of Chinese troops." He declared that his sole purpose was to protect the American community against mob violence. Later, after General Butler had returned to the United States, he declared that his forces had not fired a single hostile shot while they were stationed in China. Following his retirement he delivered speeches advocating the withdrawal of all American and other foreign forces from China.

Another American official who preserved his balance and opposed an interventionist policy was Admiral Mark L. Bristol, commander of the United States fleet in Asiatic waters. Admiral Bristol had served as United States High Commissioner to Turkey after World War I, and had observed the futility of an interventionist movement on the part of the Allied Powers with regard to that country.

The first British commander in China, Lord Gort, returned to England in disgust when he discovered that the British Government also had no intention of embarking on a grandiose military adventure in China. Elaborate plans for an invasion of the Yangtze Valley and the creation of a "sanitary zone" fifty miles wide on each side of the Yangtze River between Shanghai and Hankow, a distance of six hundred miles, which had been in the files of the International Settlement for many years, were put back in the pigeonholes to gather more dust. The plans had been prepared by old-guard dyed-in-the-wool imperialists in Shanghai, who thought China could be frightened into submission by a show of foreign force.

The new British commander sent out to replace Lord Gort held a press conference shortly after his arrival. Exhibiting a new map on the wall of his office, he said "I want you to see that I have changed the color of the thumb tacks indicating the location of the Chinese Nationalist troops; previously we used red tacks, now they are yellow." He declared that the British Government realized that the Chinese Nationalist movement was a genuine revolutionary effort designed to bring about a new day in China, and was not a "Red Wave on the Yangtze" designed for the purpose of driving Americans and Europeans out of the country, as had been pictured in the excited propaganda and exaggerated news reports circulated by Shanghai's die-hard imperialists.

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Conservative Chinese commercial and financial interests at Shanghai generally supported the Nationalist movement, which they hoped would bring an end to the political unrest which had prevailed in the country for a decade. They thought it would bring order to a sorely harassed nation and its impoverished people, but the bankers and businessmen at the same time realized there would be no permanent relief or reconstruction under the program proposed by the Communist wing of the Kuomintang Party. Delegations of businessmen and bankers sent from Shanghai to Hankow, and to Kiangsi and Honan Provinces, for the purpose of investigating conditions under the Red regime, were seized and paraded through the villages in their shirt-tails by radical students bearing placards denouncing Chinese businessmen as "Running-Dogs of the Imperialists." When the delegates returned to Shanghai with their reports of the reign of terror which prevailed in Hankow and surrounding areas, they immediately took steps to prevent a recurrence of such developments in the Shanghai area.

The complete story of the Shanghai war between the right-wing Kuomintangists and the left-wing radicals and Communists never was told because those who were responsible for the suppression of the radical elements obviously did not wish to reveal their methods, while those who were suppressed did not survive to tell the story. The fact that the Communists had armed and trained thousands of laborers in Shanghai mills was known to the municipal authorities, who naturally took steps to meet the situation; they were spurred to action by the Communists' seizure of strategic points in the native areas.

Generalissimo Chiang Kai-shek was at his headquarters at Nanchang in Kiangsi Province, hence did not take part in the suppression of the Red elements at Shanghai and the same applied to three of the four outstanding leaders of the conservative wing of the party, General Li Chi-sheng, General Li Tsung-jen, and General Ho Ying-chin, as they also were in command of Nationalist armies still hundreds of miles from Shanghai.

But the same could not be said of another Nationalist commander, who also had been associated with General Chiang in the advance from Canton. The commander was Chang Chien, who did not participate in the drive on Shanghai, but diverted his troops to the west and moved directly on Nanking. When General Chang Chien's troops entered Nanking they systematically looted the city, including the foreign consulates, mission stations, and residences and business properties of both foreigners and Chinese. Acting in accordance with an apparently prearranged plan, they staged a reign of terror, and numerous outrages were committed against foreigners. Evidence pointed to the fact that the Nanking incident had been staged by leftist elements for the purpose of discrediting General Chiang Kai-shek.

Opposed to the advancing Nationalists was the able Northern general, Sun Chuan-fang, who controlled the seaboard provinces of Fukien, Chekiang, and Kiangsu from his capital at Hangchow, about one hundred miles southwest of Shanghai.

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Before the situation became critical, I had accompanied a group of correspondents to Hangchow to interview General Sun regarding his plans for the defense of the Shanghai district against the Nationalists. The Shanghai or Yangtze delta region embraced a triangular area, the three sides of which were 100, 200, and 250 miles in length respectively. Shanghai was at the eastern apex, Nanking at the north, and Hangchow at the south. Within this triangular area was the richest section of China, embracing fertile agricultural land devoted largely to the production of cotton, silk, wheat, and rice. There also were a number of prosperous industrial cities, chief of which was Wusih, center of cotton, silk and flour manufacturing within this section.

General Sun was one of the more enlightened of the Northern military commanders and had a good record as an administrator. He held a review of his troops, reputed the best equipped in the country, and declared his ability to hold Shanghai against the "Reds." One of the correspondents who represented a New York paper sent a story that Shanghai was "impregnable" and in no danger of occupation by the Nationalists. He was not aware of the fact that the morale of General Sun's well equipped forces had been completely undermined by propaganda of the Communists.

Since the foreign-administered International Settlement and French Concession were garrisoned by foreign troops and were heavily insulated from contact with the surrounding countryside by a string of fortifications and countless strands of barbed wire barricades, the population inside had little knowledge of what was going on outside. For many days preceding the arrival of the Nationalist forces there was continuous gunfire in the densely populated areas of Pootung, Chapei, and Nantao, where most of the native-owned industries were located and where most of the laboring population resided.

Shanghai was in such a nervous state that the wildest rumors were constantly in circulation, and most of them were believed. One day there was a report that the authorities of the French Concession had decided not to offer resistance to the advancing nationalist armies, and would permit the soldiers to enter the Concession without their arms. Since the two foreign areas were separated only by a street, this still further increased the prevailing panic in the International Settlement. That night the Settlement authorities put their army of laborers to work building a new barbed-wire barricade, this time between the International Settlement and the French Concession. I interviewed the French Consul-General about the new turn of events, but he only shrugged his shoulders. I suspected he knew more than he was willing to admit, which we soon found to be a fact, for the French already had established contact with the Nationalist (Kuomintang) officers. When the American correspondents learned that two Nationalist officers had arrived on the border of the French Concession, it was the French municipal police who opened the gates in the barricade and permitted us to pass through for an interview. The Nationalist officers were General Li Tsung-jen and General Ho Ying-chin. Both assured us that they had no intention of attacking the foreigners and that they had taken steps to restore order in the native areas about Shanghai. They informed us that the Northern commander at Shanghai had already fled, and that his troops had been disarmed.

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Bearing in mind the fact that Shanghai is China's "key" city, which any political group seeking to govern the country must control, it was obvious that both groups in the Kuomintang had made preparations to seize control of the Chinese-administered sections of the city. Propaganda squads attached to the radical branch of the party were first on the scene and had completely undermined the morale of the Northern troops which controlled the lower Yangtze district, in which Shanghai is located. The demoralization of the erstwhile defenders of the city was so complete that their commanders did not wait for the advancing Nationalist armies to get within shooting distance; they evacuated before the Southerners were within a hundred miles of the city. The result was that the Shanghai district experienced an interregnum between the evacuation of the Northerners and the arrival of the Southern armies, which were forced to travel afoot as the Northerners had seized all of the railway rolling stock and available shipping along the coast and on the Yangtze River.

The Communists thus had an opportunity to make their preparations. There was no questioning the fact that prevailing sentiment among the student and labor groups favored the leftists and their program of social reform. Preparations had been made for seizure of control of Shanghai in the manner of Hankow, and, as at Hankow, there were parades, mass meetings, speeches, and distribution of literature. The walls of buildings were plastered with posters denouncing foreign imperialists. Any Chinese who helped a foreigner was designated in word and cartoon as a "running dog" of the foreign imperialists. Chinese compradores, or native agents of the large foreign firms, who constituted a powerful group that controlled the native guilds and chambers of commerce, were singled out for special abuse by radical propagandists. The compradores were held up to public ridicule and no terms of opprobrium in a language which is rich in such expressions were overlooked in the poster campaign.

It appeared that Shanghai was on the point of experiencing a repetition of the incidents at Nanking and Hankow, particularly when it became known that thousands of rifles had been distributed to the factory workers by the radical leaders.

2--Benovolent Gangster

Out of the confusion then prevailing in Shanghai there emerged a figure, previously unknown, who took on the composite character of an earlier-decade American gangster and political boss. The character was Dou Yu-seng, now listed in the respectable China "Who's Who" as a "banker, philanthropist, and welfare worker." Dou's early life is not well known, as he was born of peasants in a little fishing village near the seacoast about twenty-five miles from metropolitan Shanghai. (The little town, renamed "Dou's Village" and inhabited by a few hundred people--boatmen, fishermen and farmers--was galvanized into sudden prominence in 1934, when Dou celebrated his fiftieth birthday by dedicating a family shrine in the village and staging a two-mile-long parade through the countryside which cost him well over a million dollars. Banners were carried in the parade containing messages of felicitation from leaders throughout the country.)

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Dou Yu-song started his career in the Shanghai French Concession as a youthful fruit peddler. He soon discovered the places where opium was sold illicitly, and familiarized himself with the racketeering, hijacking, and other practices which prevailed in Shanghai somewhat as they were practiced in the bootleg industr in the United States during prohibition days. Methods used by Dou Yu-song in gaining control of the underworld situation followed traditional lines, and Dou shortly emerged from the sidewalks and malodorous gutters of the French Concession and the adjoining native district of Nantao as controller of opium, gambling, and the amusement industries. In his rise to power Dou solved a local political problem which previously had defied solution: he amalgamated two powerful secret political organizations whose activities extended far back into the era of the Manchu Dynasty. The organizations, known as the Blue Society and the Green Societ originally were engaged in intrigue against the Manchus, but after the creation of the republic they degenerated into gangsterism. The two groups were violently antagonistic, and their rivalries frequently broke out in gun battles similar to early tong wars in the Chinese communities in the United States. But Dou Yu-song accomplished the seemingly impossible by amalgamating the rival groups, and became head of the rejuvenated organization known as the Blue-Green Society, which performed functions, according to Chinese lights, probably not greatly different from those performed by political groups which dominate the large cities of the United States.

Dou Yu-song had two trusted lieutenants, one of whom controlled the amusement industry and the other the native chambers of commerce and guilds. They previously had been active in the rival Blue and Green societies respectively.

Political conditions in the French Concession facilitated Dou's rise to power The Shanghai French Concession, although regarded as a "little piece of La Belle France" was governed not directly from Paris, but second-hand through Hanoi, capit of the French Colony of Indo-China. The inefficiency and corruption which prevailed in the French Colony were repeated in the French Concession at Shanghai. French officials, particularly chiefs of police, appointed to Shanghai quickly amassed fortunes from underworld activities which prevailed in the Concession. These conditions were exposed to the world when the French Administration at Hano surrendered abjectly to the Japanese.

Dou Yu-song and his associates took advantage of this situation and became the real controllers of the French Concession. Dou ruled his empire from his home in the Concession, which resembled an arsenal. But he was a liberal contributor to charities and he came to hold more chairmanships on directorates of Chinese banks and business houses than any other man in the city. His orders were enforced by hundreds of armed guards, popularly known as "Dou's plain-clothes men."

When conditions became chaotic after the withdrawal of the Northern troops, Dou Yu-song stepped into the breach and notified the local foreign authorities that he would assume responsibility for the maintenance of law and order, pending the arrival of the Nationalist troops. It was at this point that the shooting began; it continued without intermission for many days. Preparations which the radicals and Communists had made for seizing the city back-fired, and the reign of terror which the Reds had planned was turned against them.

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No accurate count was made of bodies which littered the streets of the native areas, but Edgar Snow, who was then on the staff of the CHINA WEEKLY REVIEW, estimated that more than 5,000 leftists were killed. According to Snow's account, Chou En-lai, the Communist leader, had organized 600,000 workers who staged a general strike, completely tying up the industries of the city. Order among the strikers was maintained by some 50,000 trained pickets. Police stations and the local arsenal and garrison headquarters were seized by some 5,000 armed workers, of whom about 2,000 had been specially trained. A so-called "citizens' government' was proclaimed, stated Snow's account.

But the Communist coup was short-lived. It could not stand up against the experienced gunmen of Dou Yu-seng. When the Nationalist troops under General Li Tsung-jen, General Pai Chung-hsi, and General Ho Ying-chin arrived at Shanghai they found the job already completed; the city was handed over to them by Dou Yu-seng and his lieutenants. Chou En-lai, the Communist leader, was imprisoned and other radical leaders, who were not captured and executed, fled to Hankow. Shortly afterward, when General Chiang Kai-shek arrived and assumed control of the situatic he issued an edict expelling the Communists from the Kuomintang and ordering the deportation from China of all Russian Soviet advisers. The enforcement of the expulsion and deportation order at Canton was accompanied by serious rioting and the massacre of many members of the leftist group, including several Russians. The lives of a number of the Russian advisers were saved by American Consul Houston, who permitted them to seek refuge in the American consulate at Canton.

After the collapse of the "Canton Commune" the Reds attempted to set up a regime at Swatow on the coast of Kwantung Province, north of Canton, but it could not stand against the Kuomintang troops led by General Chiang Kai-shek. Finally the defeated Red forces which were scattered over Central and South China combined with those driven from Hankow, and formed a "Soviet Government of China" in the mountainous areas on the border between Kiangsi and Fukien Provinces, where they held out for several months, but ultimately were ejected by Chiang Kai-shek's air-bombers and forced to flee to the Northwest, where they established another Communistic government at Yenan, Shensi--which is still in existence.

The last episode staged by the Red wing faction in the Kuomintang was at Nanking when Communists within the Nationalist army staged the attack on foreign residents. Several Americans and Britons were killed and wounded, and it became necessary for American gunboats on the Yangtze at Nanking to fire on a mob of soldiers attacking members of the American consulate and local American residents, including several women, who were marooned on a hill overlooking the city wall. The soldiers were frightened away by the gunboat barrage, and the Americans were evacuated over the wall to the gunboats on the river. After General Chiang Kai-shek's loyal commanders succeeded in restoring order, the leaders of the Communist coup, which was designed to discredit the Kuomintang with the foreign Powers, were tried and several of them were executed.

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On the evening of the day following the Nanking incident, the correspondents were summoned to a press conference at the American consulate. I was accompanied to the meeting by Prof. Manley O. Hudson of the Department of International Law at Harvard, and we were introduced to an American missionary who had been in Nanking at the time of the "reign of terror." He told us of the murder of Dr. Williams, President Emeritus of Nanking University, and that of an American woman secretary in one of the mission offices because she refused to hand over the keys to the safe; and also of the shooting and wounding of the British Consul.

These incidents had already been reported, but the intense interest of the correspondents was aroused when the speaker, who was in a highly excited state as a result of his experiences, declared that there had been several instances where foreign women had been raped by the crazed Red soldiers. Copies of the missionary statement, which had just been typed by one of the consular staff, were passed out to the correspondents. Before the conference broke up, Dr. Hudson suggested to me that I ask the spokesman whether he had personal knowledge of any of the rape cases He replied with considerable heat that he did not have first-hand information, but had been told of the incidents by persons whom he trusted. This immediately aroused a serious controversy, in the course of which Dr. Hudson explained that he had served on a commission which had investigated World War I atrocities, and that few alleged rape cases had stood up under investigations.

The upshot of the matter was that most of the correspondents who cabled the rape story qualified it as not based on first-hand information. It should be stated that so-called "rape" stories had been freely circulated about the city and had appeared in some of the papers. These stories were exploited by reactionary interests with the object of provoking armed intervention on the part of the foreign Powers.

Several weeks after the above happenings I received a letter from an American woman physician who was in Nanking at the time of the incident and had made a first-hand investigation of the rape allegations. She said that there had been only one case, and that it was "attempted" rape. Her account stated that three soldiers had entered a house and, finding an American woman alone, had dragged her to an upstairs room. However, they became frightened and ran away without accomplishing their purpose. This was the only case of the kind which came to my attention in more than a quarter of a century of newspaper work in China.

Dou Yu-seng was hailed as the deliverer of Shanghai from the Red menace. Shortly afterward the home French Government became exasperated over the corruption and gangsterism which had prevailed for so many years in the French Concession, sent an admiral and a naval force to Shanghai, and effected a complete clean-up of gangsterism. After that Dou Yu-seng became a respectable businessman and philanthropist and was decorated by the Government. However, he kept an anchor to windward by retaining control of his Blue-Green Society and his small army of plain clothes men.

When the Japanese intervened at Shanghai early in 1932 in order to suppress anti-Japanese activities which flared up following Japan's seizure of Manchuria, Dou Yu-seng's "army" again went into action in the Hongkew section of Shanghai, which the Japanese had occupied. Firing from concealed positions in upper stories and on roofs of buildings, they wreaked havoc among Japan's naval forces as well as civilians. Dou's plain-clothes men aided materially in the defense of the city and made the intervention so costly to the Japanese that they were glad to accept mediation and withdraw their naval forces. When the Japanese launched their war in China proper in 1937, Dou Yu-seng and his followers, after defending the city to the last ditch, withdrew with the Nationalist forces to West China, where they have stayed.

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Many months after the suppression of the Communists at Shanghai, Stirling Fessenden, American chairman of the International Settlement and popularly known as the "Lord Mayor of Shanghai," told me the following story of the "saving" of Shanghai from the Chinese Reds and their Soviet advisers. So far as I know the full story has never appeared in print, as it was "off the record" until Fessenden's death in Shanghai following the Japanese occupations.

Fessenden said that the authorities of the French Concession were chiefly responsible for bringing Dou Yu-seng into the Shanghai "war" between the Kuomintang and the Russian-supported Chinese Communists. Dou had "grown up" in the French Concession, hence it was natural for the French to turn to him for assistance, as all governmental authority had collapsed in the Chinese areas surrounding the foreign districts. Fessenden said:

"The French chief of police phoned me one day and asked me to meet him for a confidential talk about the local situation. I went to the address he gave me and was surprised to find it was a Chinese residence surrounded by a high wall, with armed guards at the front gate. I was admitted and immediately ushered into a waiting room. I could not help but notice that the large entrance hall was lined on both sides with stacks of rifles and sub-machine guns. Soon I heard voices, and the French official entered with two Chinese. One was Dou Yu-seng and the other was an interpreter. We got down to business immediately, the French chief of police explaining that he had been discussing with Dou the matter of defending the foreign settlement against the Communists, as the local Chinese Government, which was composed of Northerners, had collapsed following the evacuation of the Northern defense commander and his troops. Dou went to the point in a businesslike manner. He was willing to move against the Reds, but he had two conditions: first, he wanted the French authorities to supply him with at least 5,000 rifles and ample ammunition. Then turning to me," said Fessenden, "he demanded permission to move his military trucks through the International Settlement, something which the Settlement authorities had never granted to any Chinese force. Dou said this was necessary in order to move arms and munitions from one section of the native city to the other."

Fessenden told Dou he would agree subject to the approval of the Municipal Council. Continuing, Fessenden said:

"I realized we were taking a desperate chance in dealing with a man of Dou's reputation, but the situation was critical, as an attempt by the Communists to seize the Settlement and the French Concession was certain to result in widespread disorder and bloodshed, involving the lives of thousands of Americans, Britons, and other foreign residents as well as tens of thousands of Chinese who resided in the foreign-administered sections of the city. Since the Communists had plotted to seize the foreign areas and defend themselves against the Kuomintang troops, it would mean that the foreigners would be sandwiched between the contending forces. The result would have been international complications far more serious than anything which had occurred since the establishment of the Settlement nearly a century ago. It took Dou about three weeks to complete his job, and by that time sufficient foreign troops had arrived to preserve order within the foreign sections; and also by that time General Chiang Kai-shek had arrived and assumed control in the native area. He immediately announced that the Kuomintang troops had no intention of attacking the foreigners, as had occurred at Nanking. He also announced that the perpetrators of the Nanking outrages would be punished."

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Many American professional defenders of the Chinese Communists have written tearful paragraphs about the "massacre" of Chinese workers and students by the Chinese "fascists and capitalists" at Shanghai, Canton and elsewhere. They either gloss over or omit entirely the all-important point that the so-called workers and students had been trained in revolutionary methods and terrorism either in Moscow or by Russian agents in China, and that these same workers and students were provided with arms by agents of the Third International operating in China. So long as the Communists maintain the principle of "force" as a means of accomplishing their political designs, they can have no cause for complaint when their enemies use similar methods in opposing them.

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DEF DOC # 202-I

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辯護側文書二〇二一一

檢察官側證人ヂョン、B、パウエル著「在支二十五年」抄
（ニューヨーク、マクミラン書房、一九四五年版）

上海に於ける戰闘

一、帝國主義、國家主義、共産主義

一四一及一四二頁

私は國民軍が揚子江に到達するずつと前から既に國共合作がうまく行つてゐないと云ふ多くの暗示を受けてゐた。私の得たこの消息は蔣介石大將が黨領袖に宛てた二冊の秘密小冊子の形に於てゞあつた。この小冊子に於て蔣は共產黨が國民黨を驅逐し、そして黨機關のみならず終には政權をも我が物にしようと、秘かに企らんでゐると難詰した。併し、私は國共軍の漢口、南京及上海占領後に起つた悲劇的な出來事には夢にも思ひ及ばなかつた。共產軍の進出の影響を一番先に蒙つたのは彼等の進路にあつたアメリカ及西洋諸國のキリスト教傳道師達であつた。どの船もどの列車も布教關係の數百の男子、婦人及子供を上海に運んで來た。

この人達の大部分は劇暴な兵士達に家を略奪されて餘儀なく逐れ出て來たものであつた。傳道教會堂と宗教學校は特に赤軍兵士連の目標になつて根こそぎに荒されてしまつた。傳道師達は帝國主義と、キリスト教と言う二つの點で攻撃を受けたものであつた。

私は傳道師の指導者達が催した新聞記者會談に出席したことを覺えてゐる。其席上皆は交々起つて各々自分等の地域に於て軍政治班の者達の犯した殘虐行爲を述べ立てた私はその一人に共產主義の學生、兵士達が强烈な宣傳に依つて永年に亘るキリスト教傳道師達の努力の結晶を覆へすことの出來た事實は一体どうして說明し得うるかと訊ねて見た。彼は「それは破壞は建設よりはやさしいからである。」と答へた。そして彼は次の樣に說明した。「傳道師達に向けられたるこの廣く擴つた反帝國主義及反宗教宣傳が國民主義と政治的改革の問題と密接に結びつけられその爲大多數のキリスト教信者達も彼等の外國友人や恩人を助けに來ることが出來なかつた。外國人を助ける支那人があつたならば彼は帝國主義者の犬と云ふ烙印を押されるのであつた。」

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外國人は支那共產黨の背後のソヴイエトの力に氣づいてゐたが、支那に起つてゐる闘爭が、レーニンの死後ロシア國内に於ての共產黨の二領袖ジヨゼフ、スターリンとレオン、トロツキイの間の死ぬか生きるかの闘爭の一部であることに氣がつくものは少かつた。この闘爭は共產主義運動の根本目的に終んで起つてゐるのである。

レーニンは曾つて「支那は沸き立つてゐる。湯沸しを沸き立たせて置くのは吾々の義務である。」と言つたが、支那の赤化を企てたのは、世界革命の主唱者レオン、トロツキイ派の仕事であつた。ドイツ、オーストリア、ハンガリー、及イングランドに於て失敗した第三インターナショナルの指導者達は支那とアジア數億民衆の赤化を企てる事を決した。このイデイオロギイの背後には赤色ロシア指導者側が、緊密に統制されてゐない極東の植民地保護領を衝いてアメリカ、イングランド及他のヨーロツパ資本家帝國主義者達に對する怨を晴らさんとする慾望があつた

一四二、一四三、一四四頁

彼等は若し彼等が支那で成功したならば、共產主義國家がもう一つ出

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來ることにもなり、歐洲で眩鍍硝を喰つた絲屋信を失つた第三インタ
ーナショナルの勝利となると、論じた。更に、かゝる成功が同志トロツ
キーの世界革命計畫に强烈に反對したスターリンの高まりつゝある政治
的名聲を弱めることが予想された。スターリンはロシア國内に力を集中
する方がよいと信じてゐた。最後に一九一七年の赤化革命後ロシアから
支那の領土に送られた數千のロシア避難民を封じ込み又抑壓し得ること
も予想された。是等の避難民住者は皆赤化反對であつた。
多數の赤徒は俄國、英國、印度及土耳古等の各方面
から支那の革命を援助し、第三インターナショナルがロシア難民達及世
界の勞働階級から集めた莫大な金額を共に使用するため支那に參つた。
本國では仕事に出かけるに歩いて行くか又は電車に乘つていた宣傳屋や
政治煽動屋は支那で是等が活動するには新しい亞米利加製の自動車が「必
要品」であることを直ぐ發見した。上海のアメリカ自動車を取引する者
はこの赤色景氣の續く間、儲けに儲けたアメリカ共產黨の主領アール、
ブラウターが上海に着いた時彼は直ちにこの無鐵硝な浪費振りに止めを

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刺した。上海で彼のために催された華やかな宴會の席上彼は黒パンと水の外は食べることを拒んで、これこそ支那革命のために金を寄贈した餓へに泣くロシア農民達のこん立てであると言つた。併しブラウダーのこの上海の現地に來るのは遲過ぎた。露支亞の顧問の或者の專制的、獨斷的な行動は既に多數の國民黨首領株の支持を失はしめてゐた。

私は支那に於ける共產主義運動の憐勢についてブラウダーと會見したが、露支亞や支那の農民、勞働者が飢えているのに自動車を乘り廻して酒宴に耽つている政治屋達を彼は力を籠めて非難した。

支那に於ける露支亞共產黨の實驗の失敗と人民委員トロツキーの結局の失脚との密接な關係は、トロツキーの回想錄（チヤールス、スクリブナー息子會社發行）の一節に明かにされている。その中でトロツキーは支那の共產黨はブルジヨワ國民黨に加入することを餘儀なくされ、勞農會（ソビエツツ）を創設することを禁ぜられ、その農地革命を阻止され勞働者の組織化を手控えることを餘儀なくされたと非難している。トロツキーはスターリンが國共提携を支持し、攻撃の矢面に起つ大將蔣

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介石を擁護したと斷定している。上海に於て支那共産黨の血腥い斷壓があつた直後トロツキーはかゝる暴壓行爲が更に多數の支持者を赤旗に引附けるだろうとの予想のもとに忍耐を勸めたと自ら語つた。併し、それはトロツキーの期待通りには行かなかつた。そして彼は言つた。獨逸革命の敗北と英國の總罷業の失敗の後を受けて支那に於ける新しい災厄は國際的革命に對する大衆の失望を强めたに過ぎずそしてスターリンの國内政策が心理的根據を得るに至つたのはこの大衆の失望に依る處が多かつたのである。

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一四五一四六頁

南京及漢口に於ける情勢の發展が支那人や滯在留外國人に與へた危惧の感を起さしめたのは當然であつた上海は世界最大港の一であつてこの上海地區に於ては東亞大陸の同一面積の如何なる他の地域よりもより多くの産業が蝟集してゐる。上海は當時人口約三百萬その中約七萬五千乃至八萬人が殆んど世界の凡ゆる國民を人種を包含する外國人であつた。

（本文五七頁、一三一）

この地は支那に於てイクリスト教傳道事業の大多數の極東本部所在地であつた。從つてフイリツピンを除き、亞細亞の如何なる所よりも上海地方にはアメリカの資本がより巨額にされてゐた。上海に於ける英國の投資は米國のそれよりも多く、その上に來るものは只英國の香港に於ける投資だけであつた。

外國新聞、特に、有力な英國新聞「ノース、チャイナー、デーリー、ニュース」に現はれた漢口事件の要旨すべき情報は共同租界やフランス租界の居住

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民の間に半恐慌狀態を呈した。北京在留のソットナムウイールと云ふ英國知名の記者は漢口に出向き「揚子江上の赤き波」さいふ題でその情勢に關する觀察記を通信的に書いた。

私は有力な一英國仲買業會社の支配人が開催した新聞記者會議に出席した。其會議で私達は外國商工會議所やその他の諸團体が或まとまつた資金を集めて共產黨に對し大規模な對抗宣傳を行ふ事を決した事を說明された。そして其支配人は上海の新聞の協力を求め且つ各新聞が共產黨の勢力を暴露する時其費用を支拂ふべき事を提議した。却てこの主催者は自らの提案した反共プログラムに於て私の批評を求めた。依つて私は全般的の國民主義の行動を「赤」さして烙印しようさする企ては遠からず共產主義の目的を失敗に陷せしむるであらう、何故ならばそれは全支那人の反感を招いて全國民主義運動を赤の手に投ぜしむる傾向を生ずるからであるさ述べた。

私は更に支那の國民主義運動はロシア共產黨進出以前から起されたものでありそしてこの兩運動の目的が相反するものである以上兩者の提携は、列强が

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眞正面から反抗の政策を採らない限り永續するものではないと語つた。

私は尙ほ又米國も英國も新の國民主義運動に反對し或は此運動を共產主義的と略印することに依つて不信に附する如何なる企てをも承認しないであらうとの信念を披瀝した。私はそれ故この對抗宣傳戰に協力することを拒んで會談を辭去した。支那に於ける英國の長老株の新聞ノースチャイナー、デイリー、ニユースは日頃支那政策に關しては穩健なそして時宜に適したる方針を堅持してゐたがこの度に限り、その編輯人は自らの威嚴を忘れて全國民主義運動に傾向に反對の社說陣を張つた。そして此方針の爲に二人の米人記者が逐入れられ、其助力の下に赤化開眼に關し一つの附錄を發行した。この附錄は今日と雖、その內容に在る誇張的、にステリー記事の故を以て新界の一珍重品視されてあるが其內にも識者に殊の外興味を感ぜしめたのは一汚點眞實及び公的集會に於てざうし一共產黨員を見分けるか」といふ題の下に識者に說法を行つた一記事であつた。後日その授ぎが續つて後其新聞の通信記者たちは、この二人のアメリカ官憲を餌誘し更に網中人を助けへて變化した支那事情に則する新聞政策を採るに至つた。

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一四六及一四七頁

相手盛宣傳の結果さし上海に於ける兩外國地域は直に戰時下の態勢をとり數千の苦力は日夜塹壕、鋼線防禦及びトーチカの建設に使はれた。上海に於ける外國人向の恐慌は外國の首府に廣がり、外國領事館及び公使館により海外に送られたその後の相互的報告により更に惡化した。二三週間を出ずして米海兵隊並びに米軍隊、英軍隊、日本軍隊、伊太利海兵隊、及び印度支那よりの佛國西安南軍を含む約四萬の外國軍隊が同市に派遣された。米軍は千九百年の北淸事變の古强者スメドリー・バトラー大將に指揮された。クニイカ數年後のバトラーは新聞に對して平和主義的公表を與へる事により常に他の指揮官等を激昂させてゐた。

紛擾の絶頂にあつた時私はバトラー將軍の僞ふした新聞記者團會談に於て將軍に向ひ支那の國民主義運動を代表するに十分なほど强力な武力侵略には何程の兵力が必要だらうかと尋ねた。彼は躊躇なく「五十萬の軍隊無しには私は支那に於て武力侵略を始めようさは夢にも思はないであらう。そして恐ら

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く一年立たぬ内に更に百萬が必要であらう。」と答へた。パトラー大將の此説明は二三年後日本人が二百萬以上の軍隊を以てしてそして何年もの交戰の後尚ほ支那を征服する事が出來なかつた時私語された其他別の社會にパトラー大將は彼がワシントンから受けてゐる命令は「支那軍のなす如何なる組織的抵抗に對しても發砲するな」といふ事であると打明けた。彼は彼の唯一の目的が暴徒の進行に對してアメリカ居留民を保護する事であると言明した。後日合衆國について彼は彼の軍隊が支那に陸上中唯の一發も發射ある發砲をしなかつたと言つた。現役後彼は米國及び他の諸外國の支那陸上軍隊の擔任を主張して彼方此方で演説を行つた。

最後の平行を保つて、干渉者に反對した他の一人の米國軍人にアジア水雷合衆國海軍司令長官マーク・ン・ブリストル提督がある。ブリストル大將は第一次世界戰爭後合衆國の高等辨務官として北京に於ける合衆國側の干渉運動の最も最初の陸支英軍司令官ゲート將は英國政府も又支那に於ける雄大な軍事的冒險を認めた。

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に乗り出す意志の無いことを知つて氣を廣らせて英國に向つた。

揚子江流域の僅か及び上海、漢口に六百哩に亙る揚子江の兩岸各々幅五十哩の「衛生地帶」の建設の爲の入念な計畫は何年もの間共同租界の警察の中に探へられてあつたが元の警察署長の中に入れられ益々增をかぶることさなつた。この計畫は上海に於ける警戒的帶國主義者即ち外國の軍の示威に依つて支那を屈伏せしめ得るさ考へた者達に依つて作成されたのであつた。

ゴート卿に代つて派遣された新任英軍司令官は同着後間も無く新聞記者會議を催ふした。自分の室の壁に新しい地圖を示しながら彼は言つた「私は支那民衆軍の所在を示す指揮の色を見て欲しい以前我々は赤い旗を用ゐてゐたが、今は緑の方が眞色である。」彼は支那民主運動が支那に新時代をもたらさむさする組織的な協合的努力であり、上海の頑固な帝國主義者達によつて流布された虚僞や誹謗された情報の中に蔽かれてゐるやうな米、人或に歐洲諸國人を國外に追ひ出せんさの目的の爲に計畫された「揚子江の赤い波」ではないさを英國政府が認めたさ言明した。

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數多くの暴行が外國人に對して行はれたのである、證據は左翼分子が蔣介石委員長の信用を失墜せしめる爲に南京事件を演じた事實を示してゐる。

故張北方將軍多傳芳はこの惡逆國民黨員に反對であつた。彼は上海から西南方約百哩の杭州にある彼の根據地から廈門、浙江、江蘇等の海岸地方の警管を支配してゐた。

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べき生存者がなかつたからである。市當局は共産黨員が上海紡績職工場の何千といふ勞働者達を武裝させ訓練したと言ふ事實を知つて、當然情勢に對應すべき處置を講じた。彼等は、共産黨員がその住民地帶内の軍事上價値ある地點を奪取した事に基いて活動を起した。

蔣介石委員長は江西省南昌にある司令部にゐた。それ故上海に於ける赤色分子の蜂起には參加しなかつた。國民黨の保守派の有數なる指導者四人の中の三人即ち李濟深將軍、李宗仁將軍、何應欽將軍はやはり、上海から何百哩も離れてゐる國民軍の司令官であつたので、蔣介石委員長の場合と同樣であつた。

併し今一人の國民軍司令官に就いては同樣であつたと假言ひ得ない。それはやはり蔣委員長と共同で廣東から進擊した事のあつた張發奎（チャンチエン）と言ふ司令官であつた。彼は上海の動亂には關係しなかつたがその指揮下にある部隊を西方に向け直接南京を目指して前進させた。張發奎（チャンチエン）將軍の部隊が南京に入つた時、外國總領事館、キリスト敎傳道所、外國人及支那人の住居、事業財産を含むその都市の掠奪を組織的に行つたのである。彼等は、明かに前以て用意された計畫に從つて行動し、恐怖支配を齎らし、

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（一四七、一四八、一四九頁）

上海に於ける支那商業及經濟界の保守的な人々は擧して國民黨派を支持し、それらが十年の間に國内に擡がつた政治的不安を終結せしめるだらうと期待してゐた。そしてひどく惱まされた國家と、その窮乏せる國民に秩序を齎すであらうと考へた。併し同時に銀行家や實業家は國民黨の左翼派が採用した計畫の下では永久的な救濟或は復興はあり得ない事を實認してゐるのである。共産主義側の下にある狀況を調査する爲に漢口又は江西省へ派遣された實業家、銀行家の代表者達は支那人實業家の聲を帝國主義者の手先と非難するプラカードをかゝげた過激派學生に擁へられシヤツ姿のまゝ村々を練り歩かせられた。代表者達が漢口及其の周邊を施つてゐる恐怖情態に關する報告を携へて上海に歸還した時、彼等は、上海地區に斯くの如きものの發達を再び見ぬやう、逸早くその手段を講じた。

右翼國民黨員と左翼過激派及共産黨員との間に行はれた上海殿飢の全眞相が不明である事は過激分子饑餓の責任者達が明に、その方法を勿論、又一方被饑餓者の中にはその報道を語る

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（一四九、一五〇、一五一頁）

狀勢逼迫する前に、余は記者團と共に杭州に赴き、孫將軍に面會、彼の國民軍攻撃に對する上海地區防衛計畫に關し聽取した。上海又は揚子江デルタ地域は三角形の各邊の長さは夫々百、二百及び二百五十哩あつた。

上海は東方、南京は北方、杭州は南方の各頂點に位置していた。この三角形地區内には、綿、生絲、小麥及び米の産出を主とする肥沃なる農作地を抱き支那に於ける豐穰なる地域であつた。又數箇の繁華なる都市も存在し、その富なるものは無錫にして、この地方に於ける綿、生絲及び粉製造の中心地であつた。

孫將軍は北部管司令官中にても道義者の一人で又行政家としても立派な經歷を持つていた。彼は支那に於ける最優秀裝備を以て知らるる部下將卒の國兵を行ひ、而して「共産黨」の攻撃に對し上海を支持する能力あることを宣言した。一經青新聞（ニチロク）を代表せる記者の一人は、上海は「難攻不落」にして國民軍によつて占有される危險なしと傳へた。彼は孫將

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軍の装備なき軍隊の士氣も共産主義者の宣傳により、完全に粉されていた事實を知らなかつたのだ。

外國の統治下にあつた共同租界及び佛租界は外國の軍隊により守備され、一連の堡壘や、無數の鉄條網防禦(バリケード)を張り廻らして、周圍の地區より嚴固に隔離されていたから、租界内の住民は、外界に起つた事件を殆んど知らなかつた。國民軍到着に先んじ、數日もの間、支那側所有の商業施設があり又勞働者の多くが住んでいた滬東、閘北及び南島毎に砲火が交へられた。

人口稠密なる地域に於て、選續的に砲火が交へられた。

今や上海は人心恟々として、流言蜚語が絶へず飛ばされ、しかもその多くが信ぜられた。或る日佛租界の當局が、進出國民軍に對し抵抗しないことを決定し、武器を持たざる將兵の入場を許すといふことが傳へられた、兩租界は、一街路により分離されているのみだから、この情報は共同租界を震撼化した。その夜租界當局は、多數の勞働者を使用して、今度は共同租界と佛租界との間に、新らしく鉄條網防禦を造築した。余は佛國總領事に會見し、事件の新展開につき質問したが、彼はたゞ肩をすくめたのみでめつた。

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（一四九、一五〇、一五一頁）

狀勢逼迫する前に、余は記者團と共に杭州に赴き、孫將軍に面會、彼の國民軍攻撃に對する上海地區防衛計畫に關し質疑した。上海又は揚子江デルタ地域は三角形の各邊の長さは夫々百、二百及び二百五十哩あつた。

上海は南方、南京は北方、杭州は南方の各頂點に位置していた。この三角形地區内には、綿、生絲、小麥及び米の產出を主とする肥沃なる農作地を抱き支那に於ける豐穰なる地域であつた。又數箇の繁華なる都市も存在し、その重なるものは無錫にして、この地方に於ける綿、生絲及び粉製造の中心地であつた。

孫將軍は北部區司令官中にても這般者の一人で又行政家としても立派なる經歷を持つていた。彼は支那に於ける最優秀裝備を以て知らるる部下將卒の國兵を行ひ、而して「共產黨」の攻撃に對し上海を支持する能力あることを宣言した。一經青新聞ニヤーク特派員を代表せる記者の一人は、上海は「難攻不落」にして國民軍によつて占有される危險なしと傳へた。彼は孫將

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軍の装備なき軍隊の士氣も共産主義者の宣傳により、完全に殺されていた事實を知らなかつたのだ。

外國の統治下にあつた共同租界は外國の軍隊により守備され、一連の堡壘や、無數の鉄網防柴（バリケード）を張り廻らして、周圍の地區より堅固に隔離されていたから、租界内の住民は、外界に起つた事件を殆んど知らなかつた。國民軍到着に先んじ、幾日もの間、支那側所有の重要施設があり又勞働者の多くが住んでいた浦東、閘北及び南島等人口稠密なる地域に於て、連續的に砲火が交へられた。

今や上海は人心恟々として、流言蜚語が絶へず飛ばされ、しかもその多くが信ぜられた。現る日佛租界の當局が、進出同民軍に對し抵抗しないことを決定し、武器を持たざる將兵の入場を許すといふことが傳へられた、兩租界は、一街路により分離されているのみだから、この情報は共同租界を襲うた恐慌を一層激化した。その夜租界當局は、多數の勞働者を使用して、今度は共同租界と佛租界との間に、新らしく鉄網防柴を造築した。余は佛國總領事に會見し、事件の新展開につき質問したが、彼はたゞ肩をすくめたのみでめつた。

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余は、之は承認する以上に事實の眞相を知つているのだと疑惑をかけたが、果してこれはその通りであつたことが間もなく解つた。即ち佛人には既に國民黨ト國民黨派ノ將校との連絡が成立つていたのであつた。米國記者が、二人の特派員を揚子江上流の漢口に派遣したことと聞いた時、我等のために好都合の話を、言觸らすのは、佛國側市場宣傳であつた。國民黨將校といふのは李宗仁及び何應欽の兩大將であつた。商人、新聞人を攻擊する者はなく又上海内外の支那側地域に於ける秩序回復の設營は既に終つているることを我々に確言した。又彼等は上海にあつた北方軍司令官は既に逃走し、その眞意も武裝解除さ

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会は、私は承認する以上に事實の眞相を知つているのだと嫌疑をかけたが、果してこれはその通りであつたことが間もなく解つた。即ち佛人には既に國民黨一國民黨政府一將校との連絡が成立つていたのであつた。

米國記者が、二名の捕虜生捕被害の境界線に達したことと聞いた時、彼等のために附近の通過を許したのは、佛國側市街區であつた。國民黨將校といふのは李宗仁及び何應欽の兩大將であつた。商人、外國人を武裝する者はなく又上海内外の支那側地域に於ける秩序回復の對策は既に講じていることを我々に確言した。又彼等は上海にあつた北方軍司令官は既に逃走し、その眞意も武裝解除された旨報々に通告した。

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上海は中華民國の「重要」都市であつて、この國を統治せんと欲する政黨はいづれも之を支配しなければならぬといふ事實を忘れずに、國民黨の兩派が同市の中國行政地區の支配權を獲得せんと準備したのは明白であつた。同黨の過激派所屬の宣傳班がまづ現地にきて、上海が位する揚子江下流地方を支配する北軍の士氣を完全に腐敗した。同市の前防衛軍の潰敗振りは、その指令官、總ては道軍する國民軍が對軍距離にはいるのも待たなかつた程であつた。彼等は兩軍が同市の百哩以內に達しないうちに撤兵した。その結果上海地區には、北軍の撤兵と兩軍の到着との間に行政休止が生じた。それは北軍が鐵道の車輛や沿岸及び揚子江の役立つ船舶一切を占領してしまつたので、兩軍は徒歩で行軍しなければならなかつた爲である。

共產黨はかくして準備の機會に惠まれた。學生や勞働者の祭團間には左派及でその社會改革綱領を支持する風潮がみなぎつてゐたとは疑ふ

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餘地がなかつた。漢口と同様に、上海の統治機關獲得の準備がなされた。漢口同樣、行進、示威大會、演說、印刷物の配布が行はれた。建物の壁には外國の領土侵略主義者を非難するがスターが貼られた。外國人を援助する中國人は支那や滿蒙で外國領土擴張主義者の「走狗」と呼ばれた中國の組合及び商工會議所を支配する有力な集團たる同團の實權及び外國大陸團の中國人代理人たちは、過激な宣傳班によつて選びだされて特に詐欺された。實權は公然と明瞭にさらされ、ポスター戰では、同表現にはとんでゐる國語のあらゆる罵言の言葉が使用された。

統に過激派の首領たちによつて數千の小銃が工場勞働者たちに配布されたと伝つた時には、上海も、南京及び漢口と同じ事件を繰りかへさんとするかに見えた。

二 情ある無頼の徒

當時上海に於ける混亂の中から、以前には名を知られなかつた一人物が現れた。彼は今世紀初頭のアメリカのギャングの徒と親分政治家の性格とを兼備へてゐた。この人物はドー、ユー、センで現在では中華民國の上流「人名簿」に「銀行家、博愛家、社會事業家」として記載されて

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ある。ドーは首都上海を去る約二十五哩の海岸に近い小漁村の農夫の子として生れたから、彼の初期の生活はよくわかつてゐない。(「ドーの村」と呼ばれ二三百の住民ー船乗り、漁夫、農夫ーの住む小さな町は、一九三四年に突然有名になつた。これはドーは百万ドル以上もかけて、村に同族の神社を獻納したり二哩の長きにわたる行列を繰出して彼の五十回の誕生日を祝つたからである。その行列には、國中の要人達からの祝辭を書いてある幾多の旗があつた。

ドー、ユーセングは上海市、佛租界の一青年呉物行商人から身を起したのである。

彼は間もなく法律に反して阿片の賣る場所を見つけた、而して米國で禁酒當時、酒密賣の時盛に行はれて居たやうに上海で流行普及して居た恐喝、たかり、ゆすり其他類似行爲をよく知るやうになつた。

暗黒社會の狀勢を支配する彼の遣り方は今迄あり來りの方法であつた。彼はやがて佛租界、隣接して居た支那人地域南島の歩道と臭氣紛々たる細民窟に居たのであるが間もなく阿片、賭博、其他の娯樂場經營者社會

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を支配するやうに頭角をあらはした。

ドーが有力になるに及んで前々から解決困難であつた地元の政治問題を解決してしまつた。彼は遠く滿洲朝廷の時代から働いて居つた二つの有力な秘密政治結社を合併した。藍衣社、青斑社と云ふ此秘密機關は元々滿洲人に對し陰謀を企てゝ居たものであつたが、中華民國が出來てから後此等の結社は暴力團に墮落してしまつた。

此二つの集團は互にはげしく相反目して居つた。かつて米國の支那人社會にあつたトング爭鬪のやうに彼等はしばしば砲射を交した。然しドー、ユーセングは一見不可能と見えた敵對する此二集團の併合をなし遂げ、藍青社と呼ぶ新生團體の首長となつた。之は米國の大都市を統治して居る政治團體がやつて居るのと恐らく大差なく、藍青社は支那的見解に準據して機能を遂行して居つた。

ドー、ユーセングには信用せる二人の助手があつた。一人は娯樂事業を支配し、他の一人は支那人商工會議所及商業組合を支配監視して居つた。此二人は以前各々藍衣社及び青斑に屬して居り互に盛に相反目して居つたものである。

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佛租界に於ける政局はドーが有力になり出世するに都合がよかつた。上海の佛租界はラベルブランセの縄張だと云はれて居たけれど直接パリから統治されては居なかつた。佛印植民地にある主都ハノイを經由して間接に統治されて居たのである。

佛植民地は上海の佛租界に繰返された。上海市に職を得た佛人官吏達は租界にひろまつて居る暗黒界で活潑に暗躍して居る徒から早急に金錢財寶を取り集めたものである。ハノイのフランス政府が日本人に恥しく降服した時此事が廣く世界に暴露されたのである。ドー、ユーセングと其仲間は此狀態に便乘して佛租界に於ける眞の支配者となつた。

ドーは佛租界にあり、兵器販でもあつた自宅から彼の王國を支配して居た。然し彼は慈善事業に對しては氣前よく寄附を行つた。誰よりも多く支那人銀行、支那人商社の取締役の上に立つて會長の席を含めるようになつた。彼の指令は「ドーの私服兵」と云はれて居る何百と云ふ武裝守衛によつて勵行された。

北方軍が敗退して世間が混亂した時ドーは中間に現はれて地元外國人當

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局に對し中華民國政府宣が到着する迄法律と秩序の維持に對し責任をもつと通告した。其時發砲が始まつた。幾日も間斷なく續いた。過激派と共産派が市街占領の爲めに用意した擧は却て逆火となつた而して過激派が企てた恐怖時代は却て彼等に向けられた。

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第一五四、一五五及一五六頁

其の土着民地區の町に散在する死体の正確なる数は、判明しなかつたが、當時「オヤイヨ・ウイークリー・レヴュー」に伝いてあたエドガー・スノーの調査した所に依ると、五千人以上の左翼の連中が殺害されたといふ。スノーの説明に依れば、共産主義者のリーダーたる周恩來は、ヒネ・ストを行つた六十万の労働者を組織し、同市の商業を完全に止めてしまつた。

鉄道労働者の秩序は、訓練された約五百人の監視員に依つて維持された。

警察署、地方兵器庫、守備隊司令部等は、約五千人の武装労働者に代りて奪取されたが右の中約二千人は時別に訓練されてあたものである。所謂「人民政府」が宣言されたとスノーの説明は述べてある。

然しながら、我の共産主義者クー・デ・ターは革命に終つた。此のクー・デ・ターは杜月笙の麾下の老兵達には對抗し得なかつた。李宗仁、白崇禧、何應欽三將軍麾下の国民政府軍が上海に到着した時には仕事は既に

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片付いてゐた。同市は、杜月笙と其の門官等に依り右三幹部に引き渡された。共産主義者のリーダーたる周恩來は投獄され、其他の共産又は處刑を逃れた無政府的リーダー達は漢口に逃亡した。其の後門も無く蔣介石將軍は上海に到着し、時局收拾に着手し、國民黨より共産主義者を追放すべしとの布告を發し、支那からあらゆるソヴエート人間を放逐すべしとの命令を發した。南京に於ける共産主義者の除名と追放の斷行は、激甚なる暴動を伴ひ、多數の左翼の主義者が虐殺され、その中には若干の露西亞人も含まれてゐた。數人の露西亞人間諜は米國領事ハウストンに依つて命を助けられたが同領事は、南京の米國領事館内に彼等を避難させたのであつた。

「広東コンミューン」崩壊後、共産主義者達は、廣東の北方に當る廣東省沿岸の地區に一政權を樹立しようとしたが、蔣介石將軍の指揮せる國民黨軍隊には對抗出來なかつた。遂に、中支及び南支方面に追ひ散らされた敗殘赤軍は、漢口から追はれ來つた仲間と連合して、江西省と福建省と

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の中間地帯の山岳地帯に一支那ソヴエート政府」を組織して、同地帯に於て彼等は数ヶ月間持ちこたへたのであつたが、遂に西彼等は蒋介石の爆撃機に依つて逐出され、彼等は北西方面に逃亡するの運命を辿り、彼等は陝西省延安にもう一つの共産政府を樹立した。……これは今然存在してある。

日民党内右翼分子に依りて演ぜられたる最後のエピソードは、南京に於いて行はれたものであつてその時日民党官憲は外国居留民を動員するの際に出たのであつた。若干の米国人と共に人が殺害されたり負傷したので、南京の江上に碇泊中の米国砲艦は南京城壁を砲撃する間の上に天幕生活をしてゐた。米国領事館員や、若干の婦人を含む同地方米国居留民を引揚した最兵隊を止むを得ず射撃することになつた。最兵共は砲撃の後退火で追はれ、米国人等は、城壁をおそて江上の砲艦に引き揚げた。蒋介石政府の忠良なる指揮官等が治安恢復に成功した後、前外国に対する日民党の侵害を厳きんと計画した共産主義者のクー・デ・ターを指揮した者は、処刑に附せられ、其の一部の者は死刑に処せられた。（九）

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辯護局證二〇二の一　續き

一五六、一五七、一五八頁

南京暴變の起つた日の翌夜通信員一同はアメリカ領事館に開かれた新聞記者會議に呼ばれた。私はその會にハーバード大學の國際法助授マンレイ、オー、ハドソン氏について行つた、そこで我々は「テロ橫行」當時南京に居つた一アメリカ宣教師に紹介された。彼は我々に南京大學名譽總長ウイリヤムス博士が殺害された事及金庫の鍵を渡すのを拒んだ爲に傳道事務所の中でアメリカ婦人秘書が殺害された事を話した、而して又英國領事が射撃されて負傷した事も告げた。

此等の事件は既に報道されて居つた、けれども話り手は自らの數々の体驗で大ひに興味をいたのだが、外國の婦人が熱狂した赤軍兵士のために凌辱を受けた實例數件を發表した時は通信員一同の興味をいたくそゝり立てた。一領事館員が丁度印書し了へた宣教師の陳述の寫が通信員達に渡された。會議の散會前ハドソン博士は私に凌辱の例を直接見聞して

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あたのかと語り手に訊いて見ては如何と言つた。語り手は自分は直接見聞したのではないが信用してゐる人達からこの事件の話を聞いたのだと答へた。すると直ぐ眞劍な討爭が起き、その中途でハドソン博士は自分が第一次世界大戰に於ける暴虐行爲を調査した或る委員會に加盟でありつたものは初めて値遇の機會を得たと云ふ事を說明した。

結局の所、凌辱事件を打電した通信員の大多數は之を直接見聞に基かないものと看做したのであつた。所謂凌辱話は南京の町をめぐつて勝手に流布され又新聞にも掲載されてをつたと言はねばならぬのかゝる話を外國側の武力干涉を惹起する目的で反動者連が勝手に利用したのであつた上記の事件當時南京に居つて凌辱の申立を直接調べた米人女が從つて而もそれは未遂事であつたと言つた。彼女の話によると三人の兵士がある家に入つた所が米婦人が一人なりであるのを見て階上の一室に彼女を引ずつて行つたけれども彼等は怯氣がついて目的を果さずに逃走したのだと之が支那で新聞の仕事を廿五

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年以上もしてゐて、私の注意を惹いたその種の事件の内で唯一のものであつた。

杜月笙は赤禍から上海を救つた者と歓呼された。後間もなく佛蘭西本國政府は佛租界がかくも多年の間腐敗して居つたのに憤激して上海に海軍大将と軍艦を派遣してギャング行爲を一掃した。その後杜月笙は立派な實業家且つ慈善家に成つたそして政府から依然として實際社及び一小便衣隊の支配を續けて後日に備へた。

日本の滿洲奪取に伴つて盛んになつた排日行爲を抑壓せんと一九三二年の始め日本人が上海に武力干渉をした時杜月笙の隊は日本人が占領して居つた上海の紅口地區で戰闘を始めた事物の階上及屋上の隠れた場所から射撃して日本の一般人及び海軍の兵隊に慘禍を齎した。杜の便衣隊は市の防衛を大いに助けたそして日本人が喜んで調停をいれて海軍を引揚げた程日本人の干渉に高價な犠牲を拂はさせた。日本人が一九三七年に中部太土で戰爭を始めた時、杜月笙と彼の部下は最後のどたん場迄市を

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防衛した後、民軍と共に西部支那に引揚げて其處にとどまった。

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上海の共同租界弾圧後何ケ月も經つて、共同租界の米國人の會合で「上海の市長さん」でとほつてゐた。スターリング。フエッセンデンから上海を中國共産黨と蔣介石のソビエト人等の手から「救ひ出す」と言ふやうな話を聞かされた。私の知る限りではこの出來事の會合には一冊も漢字となつて報道されてゐないといふのは日本軍の占領後上海でフエッセンデンが死ぬまで「記事差止め」になつてゐたためである。

フエッセンデンの話るところによると、蔣民黨とロシヤの援助を受けてゐる中國共産黨との間の上海「戰爭」に社員を引き込んだのは、フランス租界當局に大半の責任があつた。外國人地區を經る中國人地域における政府の權威が全く地に墜ちてゐた際、社はフランス租界で「成人」してゐるところからフランス側が社の援助を求めたのも尤もなことだ。フエッセンデンは更に語つた。

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ある日フランスの警察部長から電話がしたいから會ひに來て呉れ、といふので、行つて見ると揃いたことには、そこは中國人の住宅で高い塀で圍んだ上に正門の門には武裝した兵たちが立つてゐる。中に入ると待合室に案内された、入口の大廣間の戸側には小銃や短機銃が交叉して並べてあるのに氣付かないわけにはいかなかつた。やがて靜かにして一人のフランス人の警官と二人の中國人が入つて來た一人は紅月堡で、も一人は通譯だつた。早速用件にとりかゝつた。フランス人の警察部長の說明によると彼は社と外國租界な共產黨の手からどうして守らうかと相談してゐたのであつたといふのは華北の情勢、殊に華北人からなつてゐた之ゝの地方政府が瓦解してしまつたからだとのことであつた。社は組織的に再編成された。共產黨には對抗するつもりだが條件が二つある。一つは、フランス當局からは、少くとも小銃五千と充分な彈藥を補給してもらひたいといつた。ついで社に向つて自分の飯用トラックが共匪軍界

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を引行するのを許可してほしいと云つたが、そんなことは租界當局として、今まで中國官憲に許したことがないことだつた。社の言分は、日頃人街の一地區から他の地區へ武器や貨物品を運ぶに必要だからといふのだ。」

フエツセンデンは、事が實現しさへすれば、市内に向ふと、社に着へたといふ。フエツセンデンの話につゞく。

「私は社のやうな命名の言い男と暮なければならうといふ一かはもかの置いてあるのだと悟つたのだが、もう暴動はきはどいのをてあた、といふのは、共同租界とフランス租界を奪取しようといふ共産黨の企ては必ずや廣い範圍に亘つて混亂と流血の慘を見るに違ひないしこれには上海の外國行政地區居住の何萬もの中國人ばかりか、數千の米、英等の他外國人の生命に關するとだつた。共産黨が外國人地區を占領して露民軍に參して當へようと計畫してゐた以上同地區の外國人は兩交戰團の間に挟まれることになり、その結果は殆んと一世紀前の租界設定以來いまだかつて見ない程の容易ならぬ重大な組にかつたこと

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でおらう。約三週間かゝつて社は自分の仕事を仕遂げたが、その頃には、外國人地區の秩序を維持するため外國の軍隊が到着したし又蒋介石將軍もやつてきて中國人地區を管理した。蒋介石將軍は早速國民黨が南京で起つたやうな外國人襲撃の意向を持たないことを發明し、且、南京暴虐事件の犯人等を處刑すると發表した。

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多くのアメリカに於ける職業的な中國共産党擁護者は殆んど今迄、上海暴行、その他に於ける「ファシスト及び帝国主義者」による中國労働者、學生の「虐殺」について頻々しい記事を書いてゐる。彼等は所謂労働者及び學生がモスコーに於てか或は中國に於けるロシヤの手先によつて革命の方法やテロの訓練をうけ、又中國で活動中の第三インタナショナールの手先から武器の供給を受けたといふ最も重要な組織を曲解したり、書き洩らしてある。共産党がその政治的目的完遂の手段として暴力主義を固執する限り、共産党の反對をか共産党に對抗するに同様な手段を採つても、之を咎いふ筋合はないのである。

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Rejected Rejected

Excerpts from
Prosecution Witness JOHN B. POWELL's Book
"MY TWENTY-FIVE YEARS IN CHINA"

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(New York, The MacMillan Company, 1945)

China and USSR at War

Pages 175 and 176

The Far Eastern Soviet army invaded Chinese territory for about 200 miles at each end of the Chinese Eastern Railway and also bombed and occupied most of the Chinese towns along the border. But the Russians did not press beyond the Hinghan Mountains, due, it was reported, to a warning from the Japanese not to advance into their sphere of influence.

I heard one gruesome story of this warfare from a White Russian woman and a boy who ultimately reached Harbin. They had belonged to a White Russian community of several hundred families, located in the so-called Three Rivers District on the Argun River of North Manchuria. This area had been developed by Russian Cossacks, who had emigrated with their families across the border, following the revolution in 1917. The land they occupied was rich and suitable for farming and cattle grazing, and the colony prospered through the sale of dairy supplies to the large Chinese cities. The Soviet authorities in Siberia resented the activities of the White Russians just across their border and, after fighting broke out, charged that the White Russians with Chinese "Fascist" help were attempting in invasion of Siberia.

Fearing for the safety of their families, the White Russians sent their wives and children and all elderly males across country in a long wagon train to the railway at the town of Hailar, about 500 miles west of Harbin. The caravan, accompanied by a Russian Orthodox priest, had reached a point about fifty miles north of the railway when it was attacked by a force of Red Mongolian cavalry, allegedly led by Red army officers.

The woman and boy to whom I talked and who claimed to be the only survivors of this caravan, having escaped into the forest, told me that the Mongols had slaughtered every other member of the caravan. They then built a vast funeral pyre of the wagons and their contents, consisting of firkins of butter and large fifty-pound cheeses. Upon this pyre they piled the bodies of their victims, with that of the priest at the apex. They ignited the pyre and, yelling and shooting their rifles, rode their ponies in a wide circle about it as it burned. I could picture the troops of Genghis Khan in a similar victory celebration seven centuries ago.

After about six months of fighting, mostly of the guerrilla variety, the Young Marshal was forced to capitulate and to restore the control of the railway to the Soviets, since General Chiang Kai-shek was unable to send him reinforcements. Later there was a peace conference in Moscow, but it broke up without reaching an agreement, and the major issues between the two countries remain unsettled to this writing.

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Def. Doc. 202 K 2

辯護側書證二〇二ー K ー二

檢事側證人ジョンピーバウエル著「吾在支二十五年」より抜萃

（ニューヨーク、マクミラン書店、一九四五年）

戰爭中の支那とロシヤ

一七五頁及一七六頁

ロシヤの極東貿は東支鐵道の兩端に於て二百圓に亘つて支那の領土に侵入し、國境に沿ふ、大部分の都市を爆撃したり占領したりした。然しながらロシヤ人は Manchu 山脈をこえて進撃してはこなかつた。偖へられる所に依ると、日本がその勢力圏内に進入しない樣に警告を發したのに依ると云ふ。

私は、後にハルピンに到着した白系露人の女と少年からこの戰爭に關する怖しい話しを耳にした。彼等は數百家族から成る白系ロシヤ人の部落に屬してゐた、その部落は北滿の Argun 河に沿つた〝三河地帶〟とばれてゐる所にあつた。

この地方は一九一七年の革命後國境をこえて家族を伴つて移住して來たロシヤコサック人に依つて開發されて來たのであつた。彼等の占めてゐ

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た地は豊饒で農耕や放牧に適しその部落は豚毛製品を支那の大都會に賣ることに依つて繁昌した。シベリヤのソ聯當局はすぐ國境の向ひ側の白系ロシヤ人の活動を憤り、戰ひが始まると、白系ロシヤ人は支那の〝ファツシスト〟の支援をえてシベリヤ侵略を企てゝゐるといつて非難した。

白系ロシヤ人は彼等の家族の安全を危惧して、妻や子供や年とつた者を長い列車にのせてハルピン四方五百哩のハイラルの鐵道へ向けて送つた。放逐がロシヤ正教會の僧と共に鐵道北方五十哩の地點に達した時、彼等の言ふ所では赤軍將校の指揮する赤色蒙古騎兵の襲撃をうけた。

私が話しをし、そして、赤の中へ逃げ込んだために、その放逐の唯一の生存者となつたといふ、その女と少年は、蒙古人は放逐の他のすべての者を虐殺したと語つた。彼等は車と、數つかの小箱のバターや大きい五〇ポンドのチーズ類の積荷で火葬場を作りその上に犧牲者の死体をつみ重ねた。僧の死体に一番上にのせた。彼等は火葬場に火をつけそれがもえてゐる間わめきつつ小銃を撃ちながら小屋に乗つて大きい圓をえがいてその周りを進つた。

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私は七世紀前の戦勝祝賀の時のヂンギスカンの行跡をまざまざと見る事が出來た。

六月の戦ひの後――大部分はゲリラ戦であつたが――「若い元帥」は約を定めて降伏し、彼等の兵器をロシヤに返さねばならなくなつた。といふのは、政府石元帥が渡すことを拒まれたからであつた。然にモスコーで講和會議が開かれたが、意見の一致を見ずに終つた。そして此の事が再かれる予定の前日の六月二十二日は実に次のやうなのである。

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Excerpts from
Prosecution Witness JOHN B. POWELL's Book
"MY TWENTY-FIVE YEARS IN CHINA."

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(New York, The MacMillan Company, 1945)

Russia, China, and Japan

Pages 194 and 195

The disclosures concerning the proposed agreement were contained in a manuscript written by Thomas F. F. Millard and entitled "The Watch on the Pacific," but never published. Mr. Millard was present at the Geneva meeting as an adviser to the Chinese delegation to the League of Nations.

The fact that, as stated above, Russia and China--particularly Russia--were willing, in 1932, to join with the United States in a tripartite pact to block Japan is of tremendous interest in World War II, because of Russia's position of neutral in the first four years of the war in the Pacific, involving Russia's partners, the United States, Britain, and China. That Russia's neutrality constituted America's most serious handicap in our war with Japan is generally recognized. The Soviet Government, in April, 1945, served notice on Japan of its intention to abrogate the neutrality treaty upon its expiration in April, 1946.

According to Mr. Millard's disclosures, the purpose of the proposed agreement, as stated in the preamble, was "to preserve peace in the Far East and establish and maintain political and economic stability in the Far East and the Western Pacific." The text provided that if any of the territorial possessions of America, Russia, or China, or their commercial and property rights within the region covered by the agreement or the political rights and safety of their citizens residing in these regions, were invaded or encroached upon by any Power outside of the agreement, the signatory Powers would consult about measures to be taken to preserve the status quo.

In addition to the main agreement providing for common action in the Far East and the Western Pacific, provision was made for three supplementary agreements to come into effect automatically in the event of an outbreak of war with Japan. The first of these, between the United States and Russia, provided that each should respect the existing territory of the other, and that of China as well, unless otherwise agreed upon with China's consent. Upon the satisfactory conclusion of the war certain readjustments of territories held by Japan were to be made. The southern half of Sakhalin Island was to be returned to Russia. An equitable readjustment of Russia's railway interests in Manchuria was to be made. The islands in the Pacific mandated to Japan at the Versailles Conference were to be at the disposition of the United States Government. Any arrangements in regard to the Philippines agreed upon by the United States and the Philippines Government were to be respected. And finally, the territory of Japan proper was to remain intact, provided Japan agreed to a satisfactory limitation of her naval power.

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Pages 195 and 196

In the proposed agreement between the United States and China, each country was to respect the territorial and political independence of the other. The United States would support China in abolishing special privileges and concessions within her borders as well as all agreements with Japan which impaired or infringed on China's sovereignty. The United States would supply China with military and naval advisers to assist in organizing China's military forces, and would supply aviatic and other military experts together with munitions, supplies, and the financial assistance necessary to prosecute the war against Japan. China would agree to cooperate in all ways, including the use of China's ports for United States naval bases. She would also respect in the peace terms the territorial allocations agreed upon in the pact between the United States and Russia.

China and Russia would come to an equitable agreement between themselves on all matters in which the United States was not directly interested, but such agreements were not to qualify or contradict the terms of the United States pacts with Russia and China.

A memorandum embodying the proposed U.S.A.-Russia-China pact which was submitted to the State, War, and Navy departments expressed the opinion that the agreement would checkmate any schemes of the Japanese military party to conquer China or take Russian territory in the Far East. It was thought that the Japanese militarists would scarcely dare to challenge such a combination.

The reason the British Government was not included in the tentative agreement was two-fold. First, it was not thought at that time that Japan's program included an invasion of the Southwest Pacific, where Britain's colonial sphere existed; and secondly, Great Britain, when approached, raised objections to certain phases of the proposed pact which she thought might adversely affect certain efforts on her part to bring pressure on Japan through the League of Nations, which had the Manchurian question under consideration at the time.

One of the Soviet delegates at Geneva also proposed that China should recogniz Russian sovereignty in Outer Mongolia and cede to Russia all Manchurian territory north of the Chinese Eastern Railway. This would give the Russians a short cut to the sea at Vladivostok and would permit Russia to develop nearby Poset Bay at the junction of eastern Siberia, Manchuria and Korea, which is free from ice in winter. The section of North Manchuria referred to, sparsely populated except by Russian emigrants, had always been regarded as a Russian sphere of influence in Manchuria.

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DEF DOC # 202-L-2

Rejected

檢察官證人　ジョン・ピー・バウエル著

「余ノ在支二十五年」より抜粋

（紐育、マクミリアン會社、昭和二十年版）

露西亞、中國と日本

（一九四、一九五頁より抄出）

「太平洋の監視」と題するトマス。エフ。ミラードの著述の原稿の中に在つた如く、條約は遂に固執せられなかつた。ミラード氏は國際聯盟中國代表の顧問としてゼネバ會議に出席して居つた。上述の如く、露西亞ーー特に露西亞ーーが昭和七年日本を誘致する三ヶ國條約に參加せんとして居たことは興味深い。露西亞の兵團、北米合衆國、英國及支那を捲き込んだ太平洋戰爭の最初の四年間、露西亞が中立であつたといふ點から見て第二次世界大戰史上誠に興味津々たるものがある。露西亞の中立が我が對日戰爭に於てアメリカにとり最も重大なるハンデイキヤツプであつたといふことは一般に

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認められるところである。ソヴイエート政府は昭和二十一年四月、日本に
兩國間の中立條約が昭和二十一年四月滿了の後は之を廢止する意嚮なる
旨通牒を爲した。ミラーード氏の發表に依れば、冒頭に述べた協約案の
目的なるものは「極東に於て平和を保持し、極東並に西部太平洋に於る
治安並に經濟の安定を樹立且維持する」にあつた。原文は若しアメリカ
露西亞又は中國の領土の何れかゝ若くは協約に依り協定せられたる地域
內の商船又は財産權が、或は又政治上の權利及該地域內に居住する市民
の安全が、協約外の一國より侵入又は侵害せられたならば、調印國は現
2
狀を維持する爲めに採るべき手段を協議するといふことを規定してゐつ
た。極東並に西部太平洋に於る共通行動を規定する主協約の外に、日本
と戰爭が勃發した場合自動的に效力を生ずべき三個の補助協約が規定せ
られた。其の第一は米露に於るものであつて各自相手方の領土を尊重す
べきこと、規定して居る。中國の領土に就ても中國の同意を以て反對の
取極なき限り同樣であつた。戰爭が與國側の勝利に終つた場合は日本の
保有して居た領土に或種の制限が加へらるゝ筈であつた。

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樺太島の南半分は露西亜に返還せられる筈であつた。露西亜の満洲に於る優越権益に就ても公正なる調査がせらるゝ筈であつた。エルサイユ會議に於て日本に委任せられた太平洋諸島は合衆國政府の處分に委ねる筈であつた。合衆國と比律賓政府との間に約束せられた比律賓に關する取扱ひは如何なるものも尊重せらるゝ筈であつた。最後に日本の本土は差し日本が其の海軍力を其國の望む通りに制限するならばそつくりそのまゝ手をつけずに置く筈であつた。

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LLL DOC # 202-1-2

一九五ー一九六頁より

合衆國と中國との協約案には兩國は夫々相手國の領土並に政治上の自主を尊重することになつて居た。合衆國は中國國境内の特權及租界並びに中國の宗主權を毀損し侵害する日本との協約廢止を支持する。合衆國は中國に其の兵備編制を援くる爲の陸海軍の顧問を給與し、又日本との戰爭遂行に必要なる軍需品、糧食並に財政的援助を與ふると共に空軍其他軍事專門家を供給する。中國は其の港灣を合衆國海軍基地として使用せしむる外あらゆる手段に於て之に協力することを承知する。中國は又合衆國と露西亞との協約に意見の一致して居る講和條件中の領土分割案を尊重することになつて居た。

中國と露西亞とは合衆國が直接利害を有せざる事項の總てに就て兩國間に公正なる協約を締結する、然し乍ら其の協約は合衆國對露支條約の規定を制限し若くは之に抵觸するものであつてはならない。

米ー露ー支協約案を具体化する覺書が合衆國に回付せられた時、陸海軍省は本協約は日本の軍部が中國を征服せんとし又は極東に於る露西亞の

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領土を取らんとする計畫を擧げるであらうとの意見を發表した。日本の軍部と雖も此の聯合に對して挑戰するの愚をしないだらうと考へられた。英國の政府が此の假協約に加はらなかつた理由は二つある。第一は其當時、日本の計畫の中に、英國の植民地槽の存する南西太平洋の侵略まで入つて居やうとは考へられなかつたこと、第二は、英國が申出を受けた時、英當時滿洲問題を考慮に入れて國際聯盟に依る日本の壓迫は英國側の或種の努力に反對の結果を將來するだらうとの懸念から協約案の或る點に反對したことである。

ジュホーフ駐在ソヴイエート代表の一人は又中國に於る露西亞の宗主權を認め東支鐵道以北の全滿洲領を露西亞に割讓すべきであると述べ乘したのは露西亞人に滿鹽斯德に於て接する海への近道を與ふるものであり又露國をして多季不凍の東部西比利亞、滿洲、朝鮮の接觸點たるポセツト灣附近の開發せしむることを得せしむるものである。上記北滿地區は露西亞移民の外は人口稀薄にして常に滿洲に於る露西亞の勢力圈として認められ來つた土地である。」

PURL: http://www.legal-tools.org/doc/4ab673/

Rejected

Excerpts from
Prosecution Witness JOHN B. POWELL's Book
"MY TWENTY-FIVE YEARS IN CHINA"

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(New York, The MacMillan Company, 1945)

Vladivostok

Pages 213 and 214

While in Vladivostok I listened to many accounts of ambitious development projects, one of which nearly caused complications with the Japanese. It also had its humorous elements.

This project was for the construction of a causeway or dam connecting northern Sakhalin Island with the mainland, just north of the mouth of the Amur River. The engineer claimed that the cold weather which prevailed along the coast of the Maritime Province of Siberia was due to a cold ocean current from the Sea of Okhotsk which flowed southward along the coast of the Maritime Province. He argued that this frigid current was responsible for the disagreeable climate which prevails along the southern Siberian coast, and that by damming the narrow strait between Sakhalin Island and the coast, the cold current would be diverted away from Siberia and would flow down along the east side of Japan. The effect of this, according to his analysis, would be to produce a warmer climate along the Siberian coast and at the same time to transform the Japanese islands, particularly the northern islands of Hokkaido and Honshu, into arctic territories which the Japanese population would find unendurable.

News of this novel Russian solution of the Japanese problem, which would congeal them wholesale, naturally roached Japan and created a tremendous commotion. It was only one of many such rumors which were constantly coming out of Siberia and circulating among the Japanese in exaggerated form. I often wondered if this was not an astute form of Russian psychological warfare.

PURL: http://www.legal-tools.org/doc/4ab673/

Rejected

DEL DOC # 202-A-4

検事側證人　ジョン　ビー　ボーウエル　著書「中國在任二十五年」よりの抜本（ニューヨーク　マックミラン會社一九四五年版）

ウラジオストック　二一三頁及二一四頁

ウラジオストックに於て予は重心的發展に關し多くの說明を聽いたが、その計畫の一つは殆ど日本と紛爭を惹起す可き底のものであつた。又此の計畫には爲替々しいところもあつた。

此の計畫の目的とするところは、北海太と黑龍江口の眞北なるシベリア本土とを連結する鐵道若くは堤是を建設することであつた。技術者の主張に依ると、シベリア沿海州岸にその底を通くする悉常なる天候の原因は、沿海州岸を南下して流れるオホーツク海からの寒流であると。技術者の說に依ると、此の寒流あるが爲めシベリア岸にその底を缺ふ不快を氣候が存するのであるが、樺太とシベリア海岸との間の狹い海峽を堰き止めることに依つて、寒流はシベリアを外れ、日本東岸に沿ひ南下して流れると。此の影響は技術者の濟究に依ると、シベリア海岸の氣候を溫暖にすると同時に日本諸島、特に北海道及本州の北部島は北極地帶と化し日本人は住居に堪え得なくなるであらうと。

PURL: http://www.legal-tools.org/doc/4ab673/

LEF DOC ir 202-M-4

日本人をぞつとさせる様な新奇なロミアの問題解決に關する報道は、自然に日本にも傳り、恐る可き速度を惹き起した。之は驚ある事の中の一例に過ぎないのであつて、斯る事は絶えずシベリアをその發源地として日本人の間に誇張されてゐたものである。予は之はロシアの新領域の巧妙なる一方式ではないかと疑問に思ふことが度々あつた。

PURL: http://www.legal-tools.org/doc/4ab673/

rejected.

Defense Document 202-O-2 not used

Excerpts from
Prosecution Witness JOHN B. PO"ELL's Book
"MY TWENTY-FIVE YEARS IN CHINA"

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(New York, MacMillan Company, 1945)

Moscow in 1935

Page 232

Members of the correspondents corps in Moscow were astonished to learn that I had traveled to Moscow by way of Vladivostok and the Trans-Siberian Railway, as for several years none of them had been permitted to travel in the Ural area or Siberia. The cause for this seemed to me obvious. The Soviet authorities did not want either of their potential enemies, Japan or Germany, to know the details of the industrialization program which was being pushed in these regions. Also, the Soviet authorities were unwilling to have foreigners observe the forced-labor program which was being used in the industrialization process. Most foreigners in Moscow were familiar with the forced labor which had been used in the construction of the White Sea canal, but they had little conception of the extent to which it was being used in the development of Siberia.

PURL: http://www.legal-tools.org/doc/4ab673/

DEF DOC # 202 0-2

九一頁　辯護團書類　二〇一〇一二

給系側證人ジョンヨボーエルの著作「奇狂支二十五年」の抜萃
（ニューヨーク、マクミラン社　一九四五年）
一九三五年に於けるモスコー！

二三二頁

モスコーに於ける商業團の者達は私がケデオストック及びシベリヤ鐵道によつてモスコー迄旅行した事を知つて全く驚いた。それといふのは數年間といふものは彼等の中でシベリヤのウラル地方に旅行を許されたものは誰もなかつたからであつた。

その頃田は私には分つてゐた。といふのはソ聯當局としては假想敵國たる日本、ドイツの兩國にも此の地方で押し進められてゐる工業化計畫の詳しい内容を知らせたくなかつたからである。そして又ソ聯當局はこの工業化實施過程に於て用ひられてゐる强制勞働、計畫の實體を外國人に見られる事も喜ばなかつたからである。

PURL: http://www.legal-tools.org/doc/4ab673/

DEF DOC # 202 0-2

九一頁　歸還圖書類　二〇一〇一二

給系圖書人ジョンヨボーエルの著作「毒牡丹二十五年」の抜萃
（ニューヨーク、マクミラン社　一九四五年）

一九三五年に於けるモスコー！

二三二頁

モスコーに於ける滞在期間の者遊は私がソヴィエトツク及びシベリヤ鐵道によつてモスコー迄旅行した事を知つて全く驚いた。

それといふのは數年間といふものは彼等の中でシベリヤのウラル地方に旅行を許されたものは誰もなかつたからであつた。

その理由は私には分つてゐた。といふのはソ聯當局としては假想敵國たる日本、ドイツの國にも此の地方で押し進められてゐる工業化計畫の詳しい内容を知らせたくなかつたからである。そして又ソ聯當局はこの工業化實施過程に於て用ひられてゐる强制勞働計畫の實體を外國人に見られる事も喜ばなかつたからである。

DEF DOC # 202-0-2

モスコーに於ける外國人は白海運河の建設に用ひられてゐる强制勞働について大部分の者が熟知してゐたがシベリヤの開發にそれがどの程度迄使用されてゐるかについては殆んど知らなかつた。

PURL: http://www.legal-tools.org/doc/4ab673/

Excerpts from
Prosecution Witness JOHN B. POWELL's Book
"MY TWENTY-FIVE YEARS IN CHINA"

****

(New York, MacMillan Company, 1945)

Moscow in '35

Page 235

Unlike Japan, which had started its industrialization program by tackling light industry first, Russia began with the heavy industries and was building tractor plants, and machine plants, was developing iron, coal, and copper mines and building blast furnaces at the expense of all but the most essential consumption goods. Serious mistakes were being made, partly due to the fact that the Russians were sorely lacking in workers possessing mechanical skills.

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DEF DOC # 202-0-5

九十二頁　辯護團書類　二〇二―〇一三

檢察側證人ボーエル、ジョン、B氏の著作（吾在支二十五年）の抜萃

（ニューヨーク、マクミラン社　一九四五年）

一九三五年に於けるモスコー

二三五頁

日本が工業化計畫を實施するにあたつて、先づ最初輕工業から着手したのとは異なり、ロシヤは最初から重工業に着手し、トラクター工場、機械工場を建設し鐵、石炭、銅の鑛山を開發し、最も重要な消耗品を殆んど犧牲にして熔鑛爐を作つた。

重大な誤算があつたといふのは、その一部はロシヤ人が機械の技術を有つた職工に全く缺如してゐたといふ事實に由るものである。

Excerpts from
Prosecution Witness JOHN B. POWELL's Book
"MY TWENTY-FIVE YEARS IN CHINA"

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(New York, MacMillan Company, 1945)

The Philippines in 1936

Page 247

I went to Manila in November of that year, planning to cover two important events. One was the inauguration of General Douglas MacArthur's program for the defense of the Philippines.



PURL: http://www.legal-tools.org/doc/4ab673/

Def Doc No. 202 P-1

弁護側文書二〇二ーpー一　九三頁

検事側證人　ジョン、B、パウエル氏著

「在　支　二十五年」より抜萃

（ニューヨーク、マクミラン社　一九四五年刊）

一九三六年のフイリッピン

二四七頁

この年の十一月私は、二つの重大事件を報道する計畫でマニラに赴いた。その一つというのはダグラス、マッカーサー大將の比島防備計畫の開始であつた。

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Excerpts from
Prosecution Witness JOHN B. POWELL's Book
"MY TWENTY-FIVE YEARS IN CHINA"

****

(New York, MacMillan Company, 1945)

The Philippines in '36

Page 250

A small army of carpenters was working night and day putting up temporary barracks. General MacArthur explained his program, which called for the training of 40,000 native troops a year, extending over a ten-year period, providing an army of between 400,000 and 500,000 men by 1946, the year when independence for the islands would come into effect. The men were to receive five and a half months' training the first year, with briefer periods each year thereafter.

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DEF DOC # 202 P-2

検證國書證第二〇二ー P ー二

検察側證人ジョン・ビー・パウエルの著書

「吾在支二十五年」より抜萃

x x x x

（ニューヨーク・マックミラン會社一九四五年）

九四頁

一九三六年にかけるにツビン

二五〇頁

大工の間が登夜作業をしてゐた。マッカーサー大將は彼の計畫を説明した。それに依ると一年に百万人の原住民部隊の訓練を要請し、十年の期間に亘り、同島の獨立が效力を發生すべき一九四六年迄に四十万乃至五十万の軍隊を準備せんとするものである。その兵隊は第一年に於ては五ヶ月半、爾後は毎年それより短期間の訓練を受けることになつて居る。

PURL: http://www.legal-tools.org/doc/4ab673/

rejected.

not used

Excerpts from
Prosecution Witness JOHN B. POWELL's Book
"MY TWENTY-FIVE YEARS IN CHINA"

****

(New York. The MacMillan Company, 1945)

The Sian Incident

Pages 258 and 259

Shanghai was seething with rumors concerning the welfare of Generalissimo Chiang Kai-shek. The now Chinese-controlled China Press, in an attempt to make the best of a bad situation, expressed the hope that the mutiny of General Chang Hsueh-liang and the Communists at Sian would result in further consolidating national unity. The same sentiment was expressed by Dr. H. H. Kung, Minister of Finance, who temporarily succeeded Chiang Kai-shek as director of political affairs of the government. He declared in an interview that "those who unfurled the anti-Japanese banner as a pretext for shielding their own questionable political behavior would shortly realize the seriousness of the crisis which they had precipitated."

The Shanghai papers also published a brief dispatch from Tokyo which stressed the critical relations between Japan and the Soviet Union. The dispatch referred to the arrest of two Japanese editors, Katsuhei Zama and Hirokichi Otake, on a charge of turning over confidential documents concerning the situation in Inner Mongolia to a Russian named Boris Rodov, who was an attache of the Soviet Embassy. The documents allegedly dealt with the activities of a certain Mongolian Prince Teh, who recently had gone over to the Japanese and had been appointed chairman of the new puppet Government which the Japanese army had set up in Inner Mongolia. Prince Teh, it appeared, also had connections in the Russian sphere in Outer Mongolia.

PURL: http://www.legal-tools.org/doc/4ab673/

Def Doc 202 & 2

檢察側證人ジョンビー、バウエル者「吾在支廿五年」
中拔粹（紐育マクミラン會社一九四五年版）

西安事件

自二〇八頁至二一五九頁

上海ハ蔣介石主席ノ安否ヲ氣遣フ風說デ全ク沸騰シテヰル樣デアツタ。當時支那人ノ經營ニ係テヰタ該新聞ハコノ惡狀勢ノ挽回ヲ企圖セムガタメ次ノ如ク論評シタ「張學良將軍及ビ西安ニ於ケル共產黨員ノ反抗ハ恐ラク今後國家統一ノ一層強靭ナ紐帶ヲ構成スルニ至ルデアロウ」ト。蔣介石ニ代ツテ政務ノ臨時執行者トナツタ財政大臣ノ孔祥熙博士モ同樣ノ意見ヲ洩シタ。彼ハ或ル會見ニ於テ次ノ如ク宣言シタ。

「反日ノ旗幟ニ隱レテ彼等自身ノ怪シゲナ政治的態度ヲ糊塗シテヰタ者ハヤガテ彼等自カラ招來シタ危機ノ重大性ヲ思ヒ知ルニ至ルデアロウ。」

上海ノ諸新聞ハマタ日蘇ノ關係逼迫ヲ强調シタ東京カラノ簡單ナ電報ヲ掲ゲタ。

Def. Doc. 202 ㋑ 2

右電報ハ座間勝平及ビ大竹廣吉ナル二人ノ日本人記者ガ蘇聯大使館外交官補「ポーリス・ロードフ」ニ内蒙古ノ狀勢ニ關スル秘密文書ヲ手交セシ際ニ依テ逮捕セラレタルコトヲ報ジタ。該文書ハ明カニ最近日本陸軍ガ駐在シタ内蒙古ノ傀儡政府ノ主席ニ任命セラレタル蒙古王族德王ノ活動ニ關連スルモノデアッタ。

德王ハ又外蒙古ニ於ケル蘇聯勢力下ノ地域トモ或關係ヲ有スルモノノ如クデアッタ。

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Excerpts from
Prosecution Witness JOHN B. POWELL's Book
"MY TWENTY-FIVE YEARS IN CHINA"

****

(New York, The MacMillan Company, 1945)

The Sian Incident

Pages 259, 260, 261, 262, 263 and 264.

The Chinese communists had increased their army from about 25,000 in 1928 to approximately 100,000. Opposed to the communists were General Chang Hsueh-liang's army composed of some 130,000 former Manchurian troops and some 40,000 Shensi provincial troops under General Yang Hu-cheng. Both groups were underpaid and disgruntled, and an easy prey for communist propaganda.

In order to understand the position of the Chinese Communists from the standpoint of domestic Chinese politics, it is necessary to go back to 1927, when the Communists were expelled from the Kuomintang Party and the Government. Unlike the situation in other countries where civilian communist movements exist, the Red faction in China is not only a political party but also possesses a well equipped army.

When Chiang Kai-shek expelled the Communists from the party, overthrew the Soviet regime they had set up in Hankow, and broke off relations with the U.S.S.R., the Red forces withdrew into the inaccessible mountainous districts between Kiangsi and Fukien provinces, south of the Yangtze River. Other Red forces which had operated in the Canton district and had tried (without success) to establish a Soviet Government at the port of Swatow, near Canton, had also withdrawn into the mountains between Kiangsi and Fukien provinces, where they joined the other groups.

The intention of the Communists to continue their defiance of the Central Government was indicated in interviews with various Chinese Red officials and their Soviet advisers, and with American sympathizers who had fled to Moscow after the overthrow of the Red regime at Hankow. Among those who attempted to paint an optimistic future for communism in China were Eugene Chen, former Foreign Minister at Hankow, and Michael Borodin, the former Soviet adviser at Hankow.

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Pages 259, 260, 261, 262, 263 and 264.

But official Moscow had tired of the costly Chinese adventure, and furthermore, the U.S.S.R. could spare no military or naval forces in the Far East capable of dispatching relief to the Chinese Communists at their headquarters in the Kiangsi mountains. The Chinese Soviet regime was therefore forced to shift for itself, which it proceeded to do in characteristic fashion by issuing paper money, collecting taxes, and instituting a land-redistribution program among the farmers in Kiangsi Province, where extensive land holdings by the gentry had long been responsible for popular discontent among peasant farmers and villagers. I still have in my possession a silver dollar minted by the Chinese "Soviet Government" which contains the profile of Lenin on one side and the sickle and hammer on the other.

Throughout most of the period from 1928 to 1934, Generalissimo Chiang Kai-shek and his associates were occupied in consolidating the position of the Nanking Government and fighting off rival military factions.

The Red factions in Kiangsi thus had a breathing spell in which to reorganize their Soviet Government and re-establish connections with Moscow. But the land-redistribution program which the Communists initiated in Kiangsi precipitated a disastrous famine in Northern Kiangsi and led ultimately to their undoing. Strong opposition developed among the land-owning gentry of Central China and the Chinese bankers in Shanghai, whose loans were defaulted as a result of the socialization (confiscation) program. Generalissimo Chiang, whose Government was also under heavy obligations to the same bankers, was again forced to take action against the Chinese Reds. He finally accomplished their evacuation of the Kiangsi mountains by blockading the coast of Fukien Province, building a chain of blockhouses on the land side which cut off their access to the Yangtze River, and air-bombing their mountain bases.

In mid-October, 1934, the Reds, now numbering approximately 90,000 men, quietly slipped out of their mountain hiding places and set out in search of a new location. Following the mountainous regions along the provincial boundaries in South and Southwest China, their trek developed into an epochal march of approximately 4,000 miles before they reached their new location in the northwest. They were able to make the long trip through generally hostile territory, by marching in small groups and sticking to the provincial boundaries. In this manner they passed through Kweichow and Yunnan provinces in the southwest, then turned north along the narrow mountain valleys of the Upper Yangtze to Szechwan Province, thence over the mountains to Kansu Province, and finally reached northern Shensi, where they re-established their Soviet Government at the town of Yenan, in territory adjacent to Russian-controlled Outer Mongolia. The Reds were led on their long migration by two

PURL: http://www.legal-tools.org/doc/4ab673/

Pages 259, 260, 261, 262, 263 and 264.

well known Communist leaders, Chu Teh and Mao Tsehtung, both of whom had been trained in Moscow under Trotsky and Radek.

Another Red group under the command of General Ho Lung, which had been established in northern Hunan Province, also withdrew and joined the Red Government at Yenan. A third Red force, which styled itself the "anti-Japanese Fourth Army," and had established itself in the mountains of Anhwei Province on both banks of the Yangtze River, was broken up by Generalissimo Chiang Kai-shek, and part of it was incorporated into the Nanking forces.

The remnants withdrew to the northwest, but not before they had perpetrated one of the worst atrocities against American missionaries since the Nanking Incident in 1927. Two youthful missionaries, the Reverend and Mrs. John Stam, were seized with their two-weeks-old baby girl and were publicly beheaded. The Stams, both recent graduates of the Moody Bible Institute of Chicago, had only recently arrived in China and had been assigned to Anhwei Province. Mrs. Stam, while being led to the hill where execution took place, hastily wrapped her baby in a bundle of old rags and tossed it into a Chinese house along the route of march to the execution ground. The baby was cared for by friendly Chinese peasants and was later restored to its grandparents, the Reverend and Mrs. Charles Ernest Scott, veteran Presbyterian missionaries in Shantung Province.

The execution of the Reverend and Mrs. Stam was staged on a hill before a large crowd of country people and was accompanied by an outburst of posters, banners and oratory, with the bound victims standing by. The speeches and posters denounced the United States and world capitalism, and extolled the Soviet Union. After the helpless victims had been beheaded, the Reds responsible for the atrocity issued a bombastic statement declaring the execution of the young missionary couple had been carried out in retaliation for the action of an American company in selling to the Nanking Government airplanes which Generalissimo Chiang Kai-shek had used in bombing the Reds out of their base in the mountains of Kiangsi.

It was estimated that not more than 25,000 out of the original Red Army numbering some 90,000 survived the long trek to northwest China. However, their strength was quickly replenished, despite the barren, mountainous, and thinly populated nature of the country to which they had migrated. By the winter of 1936-37 they again claimed to have 100,000 troops.

PURL: http://www.legal-tools.org/doc/4ab673/

Pages 259, 260, 261, 262, 263 and 264.

Indications of impending trouble in the northwest had already appeared in the Shanghai newspapers in the form of dispatches from Sian telling of student parades and demonstrations demanding a cessation of pressure against the Chinese Communists and the formation of a "united front" against the Japanese. The Chinese Reds also utilized the services of an American woman leftist, who delivered speeches which were broadcast in both English and Chinese over the Communist radio stations. The Chinese Communists were desirous of diverting Japanese pressure from their own front and hoped that Chiang Kai-shek could be forced to bear the weight of the Japanese onslaught. In the background was undoubtedly also the hand of Moscow desirous of diverting Japanese pressure from Siberia and Russian-controlled Outer Mongolia. The Russians were anxious for Japan to become involved still more deeply in China, knowing full well that such involvement would ultimately lead to complications with the United States and Great Britian. Although disavowed in Moscow, evidence pointed to Russian influence as a vital factor in the Sian incident.

I first met Chang Hsueh-liang (who played the unheroic role of cat's-paw in the Sian Incident) at Mukden, in 1929 on the occasion of the brief war between China and the Soviet Union.

The Young Marshal was only thirty years old when he fell heir to his father's vast fortune and the position of commander-in-chief of the Government forces in Manchuria. He was ill prepared for this responsible post, the most precarious administrative position in the Chinese republic, as most of his life had been spent as a playboy in Mukden, the Manchurian capital, and at the old capital (Peking), or in his father's army. He spent one year in military school in Japan, and upon his return was appointed commander of one of the Manchurian armies. Somewhere along the line he acquired the opium and morphine habits, which remained with him for several years and greatly handicapped his career. He was finally cured by Dr. Miller, an American Seventh Day Adventist missionary physician at Shanghai.

Despite this, Chang Hsueh-liang was an ardent Nationalist and devoted a considerable portion of his fortune to the development of education in the Manchurian provinces. He endowed the National Northeastern University and the Manchurian Military Academy at Mukden, and was in process of developing a system of general education throughout Manchuria when the Japanese intervened in 1931. The Young Marshal had already defied the Japanese in 1928, when he unfurled the Nationalist flag over Government offices throughout Manchuria and announced that the Manchurian provinces had joined the Nationalist Government at Nanking. Again in 1929 he intervened at Peiping to break up a coalition of disgruntled militarists and politicians led by Wang Ching-wei which opposed General Chiang Kai-shek and the new Government at Nanking.

PURL: http://www.legal-tools.org/doc/4ab673/

LLE LOC 1, 202 6-5

検察側証人ジョン、B、パウエル氏著書「支二十年」より抜萃。
（紐育マクミラン会社出版、一九四五年版）

西安事件（二九九、二六〇、二六一、二六二、二六三、二六四頁）

中國共産黨は一九二八年に紅兵力凡そ二萬五千であつたのが、約十萬に増強した。此の共産黨に対立したのは、前満洲省約十三萬より成る閻錫山の軍隊と、楊虎城將軍の下の陝西省軍約四萬であつた。閻軍共給料支拂不充分で不平不満のため、共産黨軍側内政治情勢といふ點から中國共産黨の地位を強化するにな、國民黨及南京政府から共産主義者が圍まされた、一九二七年に戻る事が必要である。他國の單なる政治的共産主義運動の場合とは異り、中國の赤化分子は政黨たるのみならず、充分に武裝された軍隊を持つて居る。

蔣介石が國民黨から共産黨員を圍まし、共産黨は楊子江以南の江西政府組織を、導入しソ連との關係を絶つた時、共産黨員が演口に設立した勞農兩省の間の、險阻な山嶽地方に撤退した。廣東地方で行動し、廣東

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地方で行動し、廣東附近の汕頭港に勢力政府設立を試みた（之は失敗に終つたが）別の共産軍も、この江西區建甯省間の山岳に撤退し他の有

と合同した。

共産黨員の中央政府に對する反抗意志は、中國共産黨首腦やソ連人顧問との會見や、また、漢口赤色政府設立後モスコーに送れた米人支持者との會見の時、私に表示された。

中華民國に於ける共産主義の將來を樂觀的にみた人達の中に、元漢口政府外相陳友仁、及び元漢口政府ソ連人顧ミカエル、ヤロデインが居た。2

（二五九、二六〇、二六一、二六二、二六三、二六四、）

併しソ連政府は多額の費用を要することの中國に於ける策動に怠慢を費えてゐたのみならず、江西省山中に立て籠つた中國共産黨の救援をなしる匪軍又は海軍を、極東に派遣することはソ連政府にとつて、不可能であつた。この故に、中國共産黨政權は自力で建設する外はなかつた。その最終手段としては先づ特有の方法で紙幣發行、現金取立、及び山西省居住農民土地再分配案制定を行つた。若し山西省では上中流社會による農況なる土地所有は長い間小百姓部落民等一般民衆の不平不滿の根元をなしてゐたのである。私は今尚中國「ソビエット政府」の鑄造セル銀弗貨を一枚所有してゐるが、表面にはレニンの横顔、裏面は鎌鎚の浮彫である。

蔣介石總帥及びその一派は、千九百二十八年（昭和三年）より千九百三十四年（昭和九年）に至る期間の大部分を通じて、南京政府の地位強化と反對軍閥撃退とに忙殺されてゐた。

これがために、山西省の共産黨は、一時的な餘裕を得て、自らのソビ

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エツト政府を樹立し、ソ連政府との連絡を再開した。

併し山西省に於て共産黨が着手した土地再分配案は、北山西省に悲慘甚しき飢饉を急促せしめ、これが引いては遂に黨自身の破滅にまで及んだ。中國中部の土地所有階級及び上海の中國銀行家の間に强い反對が起つた。これは是等銀行の貸付が社會主義化（沒收）の結果として踏み倒されたからである。蔣介石政府も又これ等銀行家に對して巨額の債務を負うてゐたので、彼は再び中國共産黨に對して行動を取らねばならなかつた。蔣介石は山西省山中から、共産黨を完全に撤退せしめた。この手段として

は揚子江に接近する途を切斷し、陸地方には一連の防壘を建造して共産黨軍の揚子江に接近する途を切斷し、敵軍の山地基地を空爆した。

千九百三十四年（昭和九年）約九萬を算する赤軍が山中の隱れ場を密かに脫出し、新に居所を求めて進發した。南支那西南支那の各省の境界に沿て山地を行くうち、彼等の路程は約四千哩といふ劃期的行進となり、遂に西北支那に彼等は新なる居所を見出した。彼等にとつて一般的に好意を持たぬこれらの地方を通つて、遂に

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長途の、旅行に成功したが、これは小集團とたつて、省境界線を離れぬようにして行進したのである。斯くして彼等は西南支部の貴州省、雲南省を通過し、楊子江上流の次區なる山後に沿つて北轉し以て四川省に至り、次で山脈を越えて甘肅省に入り、遂に北部西省に達し、其の地の延安府、即ちソ連支配下にある外蒙古に接近する地域に、ソビエット政府の再興を遂げたのである。この中國共產黨員の長途の移動の先頭に立つたのは、モスコーにおでトロツツキーとラデツクに訓練された、かの有名な朱德と毛澤東であつた。

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辯護側文書二〇二一　一三續き　　百頁

（二五九、二六〇、二六一、二六二、二六三、及二六四頁）

湖南省北部に落ち着いた賀龍指揮下の別の一共産黨團体も此處を去り、延安の赤軍政府に加はつた。「反日第四軍」と自稱し、安徽省揚子江兩岸の山中に陣取つた第三番目の赤軍は、蔣介石總帥に打破せられ、その一部は南京軍に合體した。

殘余の赤軍は西北方へ退去したが退去に先立ち彼等はアメリカ人宣教師達に對し一九二七年の南京暴行以來の最惡の慘虐行爲を犯した。二名の若い宣教師ジョン、スタム氏夫妻を、その生後僅か二週間の女兒と共に捕へ、公衆の面前に於て首を斬つた。このスタム夫妻は最近、シカゴのムーディー聖書學院（インスティテュート）を卒業し新しくこの湿中國に來て僅かに微笑されたばかりであつた。スタム夫人は死刑執行の場所へひかれてゆく途中、その嬰兒をいそいでぼろ布で包み、自分達の進んでゆく道路沿ひのとある中國

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その子供は親切な中國農民の世話を受け、後日、祖父母に當る山東省の秀れた長老宣教師たるチャールズ。アーネスト。スコット氏夫妻に手渡された。

スタム氏夫妻の死刑は小高い丘の上で中國人群衆の目前で、大仰に取行はれた。先づ縛られた此犠牲者を傍に立たせビラを貼り、旗を打振り嘲笑を揚つて大騒ぎをした後行はれた。演説やビラは合衆國及び世界帝國主義を罵倒しソビエット聯邦を賞揚したものであつた。この寄るべなき犠牲者達の首を斬落した後此惨虐行爲の責任者は、大言壯語的聲明を發し、此若い宣教師夫妻の所謂は反るアメリカの會社が南京政府に飛行機を買つた行爲に對する報復として爲したものであり、蔣介石總師は乙等の飛行機を使用して江西の山地にある赤軍共匪を攻撃し赤匪を追出したものであると述べた。

最初約九萬を以へた共産黨員中中國西北部への長途移住に堪へて生存したものは二万五千に過ぎないと概算されてゐる。しかしながら彼等移住した土地が不毛の地で山多く、人口稀薄なところであつたにも拘

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らず彼等の力は急速に増大された。そして一九三六年から三七年へかけての冬期には再び十萬の兵力を以て公然と攻撃するに至つたのである。

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（二五九、二六〇、二六一、二六二、二六三、二六四頁）

上海の新聞は、中國共産黨の斷壓を中止し、日本に對して「統一戰線」を張ることを要求する學生の行進その他の示威運動を報じた西安からの電報を掲載して、西北部にまさに起らんとする動亂の前兆を既に表示してゐた。中國共産黨も亦、左翼の一アメリカ婦人の援助を利用し彼女の演說を共産黨の各地放送局を通じて、英語と中國語を以つて放送した。中國共産黨は日本の壓力を自己の前線から他に轉じ、蔣介石をして、日本の侵襲の矢面に立たせやうとした。背後には無論モスコー！の手が動いて居り、ロシアもまたシベリア及びその勢力下の外蒙古から日本の壓力を外へ轉じることを欲してゐたのである。ロシアは、日本が中國との葛藤に一層深入りすることを望んでゐた。それは、この葛藤は遂には必ず英米を卷き込むに至ることを充分に承知してゐたからである。モスコーでは否定されてゐるが、ロシアの影響が西安事件の有力なる要因であつたことは、證明されてゐる。

私は一九二九年、中國とソ聯との間に短期の戰爭があつた時、奉天ではじめて（西安事件で釋れなお先棒に使はれた）張學良に會つた。

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この若い將軍が、父親の莫大な財産と滿洲に於ける官軍の總司令官の位置とを繼承した時、彼は僅かに三十才であつた。

それまで、滿洲の首都奉天、舊國都北京或は父親の軍隊で「おぼつちやん」として大部分を過して來たので、彼はこの責任ある地位、卽ち中華民國で一番不安定な行政的地位に就く準備が出來てゐなかつた。

彼は一年間日本で軍事教育を受け、歸國して滿洲軍の一方の司令官となつた。この間にいつか彼は阿片吸煙の風習に染み、數年間止めることが出來ず、これが彼の前途に對して非常な障碍になつた。然し遂に彼は、滿海にあたアメリカの第七日キリスト教再臨論派の宣教師である野崎のミラー博士に根治して貰つた。

併し、張學良は熱心な國民黨員であり、彼の財産の相當な額を滿洲諸國の教育事業につぎ込んだ。彼は奉天の國立東北大學及び滿洲軍管學校に基本金を寄附し、滿洲全体に亙る普通教育機構を組織しやうとしてゐた、その最中一九三一年日本が割り込んで來た。この若い將軍は既に一九二八年日本に挑戰して、國民黨旗を全滿洲の官廳にひるがへし、滿洲諸州は南京

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の國民黨政府に加盟したことを宣言した。
また一九二九年、軍閥政治家中の不平分子が蔣介石の新南京政府に反對し
汪精衛の下に北京で提携を企てた時張學良は之を不成功に終らせた。

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Excerpts from
Prosecution Witness JOHN B. POWELL's Book
"MY TWENTY-FIVE YEARS IN CHINA".

****

(New York, The MacMillan Company, 1945)

The Sian Incident

Pages 264, 265, 266, 267, 268 and 269.

The Young Marshal was a patient in a Peiping hospital when the Japanese staged the so-called Manchurian "incident" and seized Mukden on the night of September 18, 1931, hence his troops in the vicinity of the Manchurian capital offered little resistance to the invaders on that fateful occasion. After serving in various posts under the Nanking Government, the Young Marshal was appointed director of the so-called "bandit-suppression" headquarters in southern Shensi Province, where his chief job was to watch over the activities of the Chinese Communists, who were again becoming troublesome in the northwest. The Young Marshal had a force of 130,000 troops, made up largely of remnants of defeated Manchurian armies. There were also collected at his headquarters several hundred students and teachers who had been forced to leave Manchuria, due to the wholesale closing of the schools by the Japanese. Since most of his fortune was invested in Manchurian lands, forests, and mines which had been seized by the Japanese army, the Young Marshal soon found himself in straitened circumstances and forces to depend upon the Nanking Government for funds. The result was that his troops were poorly paid and his schools and governmental departments impoverished.

It had been known for several months that instead of opposing the Reds, the Young Marshal's forces were fraternizing with them and permitting them to spread anti-Nanking propaganda among the people in his territory. Generalissimo Chiang Kai-shek had consistently opposed a policy of conciliation toward the Chinese Communists since the original break between the Kuomintang and the Reds at Shanghai, Nanking, and Hankow in 1927. The Generalissimo regarded the Chinese Reds as creatures of the Moscow Comintern and refused to negotiate with them so long as they maintained their Russian connections and their independent position in the northwest. It was thought that the Generalissimo intended to dismiss the Young Marshal as commander of the anti-Communist headquarters at Sian, and to replace him with another member of his staff who would continue opposition to the Reds. Three days before the departure of the Generalissimo for Sian, the Nanking Executive Yuan (Council) had adopted a resolution reaffirming that the Chinese foreign policy laid down by Generalissimo Chiang Kai-shek should remain as the guiding principle of the Central Government and that the anti-Communist campaign in Northwest China should be continued. Generalissimo Chiang was accompanied on the trip to Sian by ten other high government officials, some of them army commanders,

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Pages 264, 265, 266, 267, 268 and 269.

and a small bodyguard. Among the military officers was General Chiang Ting-wen, Pacification Commissioner for Fukien Province, who was scheduled to replace the Young Marshal as commander of the anti-Red forces in the northwest.

The northwestern frontier town of Sian where the dramatic kidnaping of the Generalissimo and his staff was staged is about seven hundred miles inland, due west from the shores of the Yellow Sea. Aside from its strategic location on the ancient northwest road connecting China and Central Asia, Sian is important historically as it was the seat of the Chou Dynasty, which had its beginnings about 1122 B.C. and continued more than eight centuries. The classical period of Chinese history, which produced the famous scholars Confucius, Mencius, Lao Tzu, and Mo Tzu, fell within the Chou era, and many of the world's finest examples of ancient bronze art have come down to us from the graves of Chou rulers in the vicinity of Sian. In this area also were staged the wars between the houses of Chou and Shang (1400 B.C.) for supremacy over the valleys of the Yellow River and its tributary, the Wei, wherein dwelt the ancestors of the Chinese people of today.

It was a fitting stage for the enactment of a modern drama of Asiatic politics involving the political interests of China, Japan, and Russia, and ultimately of the entire world.

Generalissimo Chiang Kai-shek arrived at Sian by airplane on December 7, and established his headquarters at a hot-springs resort a short distance outside the city. The Generalissimo was welcomed by Shao Li-tze, Civil Governor of Shensi, a former newspaper editor from Shanghai, who had been appointed to the position by the Central Government. Civil Governor Shao had charge of the local police force, which remained loyal to the Generalissimo in the complicated developments of the following days. It was the first important political mission undertaken by the Generalissimo in many months when he was not accompanied by his wife, Mei-ling.

The days immediately following the Generalissimo's arrival at Sian were occupied in conferences between the Generalissimo and his staff and the Young Marshal, Chang Hsueh-liang, and General Yang Hu-cheng, the provincial military chieftain. Little was accomplished, as the Young Marshal and General Yang constantly insisted on bringing into the conference local groups which demanded immediate war against Japan. After four days of futile conversation the Generalissimo informed the Young Marshal of the Government's determination to press the campaign against the Communists. He insisted that it would be suicidal to face war with Japan while the Communist army remained in an independent position in the northwest.

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Pages 264, 265, 266, 267, 268 and 269.

The Young Marshal and his associate, General Yang, insisted that it would be better to accept the Reds' terms and form a "united front" of national resistance.

The Young Marshal insisted that the Central Government assume responsibility for the financial support and munitioning of some 270,000 troops in the northwestern territories. He was not, however, in a position to give assurances that the "united front" would accept the orders of the commander-in-chief of the Nationalist Government. This may explain why the Young Marshal had decided to bring the representatives of the Communists into the negotiations with the Generalissimo.

Following a heated discussion which left the situation at a deadlock, the Generalissimo retired to his private quarters on the outskirts of the city, where he was protected by his small bodyguard and a contingent of local police.

The Young Marshal immediately called a meeting of the divisional commanders of his forces and those of General Yang Hu-cheng, and issued secret orders to move a division of his own troops and a regiment of General Yang's troops into the environs of the city during the night, and by daylight the coup d'etat was complete and the city entirely surrounded. The only resistance encountered was from the Generalissimo's small bodyguard and a contingent of loyal police at the hot-springs resort where the Generalissimo was staying. Aroused by the firing, the Generalissimo and one of his guards escaped from his sleeping quarters and climbed over a high wall which surrounded the compound. He might have succeeded in getting away had he not sprained his ankle and been forced to hide in an abandoned tomb. Here he was found by a young Manchurian officer, who escorted him back to the building and ultimately to the city, where he was confined in the private quarters of General Yang Hu-cheng. The Civil Governor, Shao Li-tze, who with his police remained loyal to the Generalissimo, was also arrested and detained with Generalissimo Chiang's staff officers.

The announcement of the detention of the Generalissimo created intense excitement throughout the city and was the signal for demonstrations, mass meetings, and parades. The city was quickly placarded with banners and posters denouncing the Japanese-German-Italian Anti-Comintern Pact and demanding a "united front" against Japan. The radicals were for a Soviet-style public trial of the Generalissimo on the charge of prosecuting the war against the Reds and failing to declare war on Japan. Others favored taking the Generalissimo to some secret hiding place in the northwest and holding him as a hostage until Nanking called off the anti-Red war.

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Pages 264, 265, 266, 267, 268 and 269.

Up to this point there was no outward manifestation of Red participation in the plot to kidnap the Generalissimo. But the hand of the Chinese Communists was soon in evidence after the Young Marshal dispatched a plane to the Communist headquarters at Yenan and transported three of the Red leaders to Sian. They were Chou En-lai, Political Commissar of the First Front Red Army and Deputy Chairman of the Red Military Council; Yeh Chien-ying, chief of staff of the East Front Red Army; and Pao Ku, head of the Red Secret Police. They were accompanied by several secretaries and assistants. Of the three Communist envoys, Chou En-lai was remembered as the organizer of armed laborers, strikers and pickets in the plot to seize Shanghai on behalf of the Communists at the time of the Nationalist Revolution in 1927. Chou was arrested by Generalissimo Chiang Kai-shek but was released, whereupon he went to Moscow for several months, later returning to join the Red regime in Northern Shensi.

Not many hours elapsed before the perpetrators of the Sian outrage realized the seriousness of their action. Of particular significance were simultaneous disavowals from Moscow and Tokyo, each denying any complicity in the plot, but at the same time charging each other with the responsibility. The Moscow papers printed bombastic reports denouncing the kidnaping of the Generalissimo as the work of Wang Ching-wei and the Japanese. Government officials in Tokyo charged that Marshal Chang Hseuh-liang's action had been inspired by the Communists, and declared it was an "object lesson" demonstrating the necessity of China's joining the Anti-Comintern Pact immediately.

The Tokyo paper, Hochi, declared that communist propaganda for a "united front" was the same, whether in Spain or China, and threatened that Japan would take action if Chang Hsueh-liang attempted to form an anti-Japanese front with Soviet Russia. The liberal Chinese paper, Ta Kung Pao, charged that the Japanese had taken advantage of the Sian crisis to increase their pressure on China to sign the anti-communist defense agreement. The Tokyo Nichi-Nichi declared that the Chinese Communist Army of Chu Teh and Mao Tseh-tung was steadily gaining in strength and was watching for an opportunity to seize the central power in China.

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辯護文書第二〇二ー9ー四

被事側證人　ジョン。B。バウエル著

「わが中國に於ける廿五年」より抜萃

（千九百四十五年　ニューヨーク、マックミラン社刊）

西安事件

二六四、二六五、二六六、二六七、二六八、二六九頁

日本側が所謂滿洲「事變」をたくらんで一九三一年九月十八日夜半奉天を占領した當時張學良元帥は北平の或る病院に入院してゐた。そのために宿命的なその當夜、張學良の軍隊はこの滿洲の首都奉天附近に於いて侵略軍に對し殆んど抵抗を加へなかつた。南京政府の下に在つて種々の地位を歷任した後、張學良は所謂陝西省南部に在る剿匪司令部の長に任命された。西北地方で再び手に負へなくなつてきた中國共產黨の活動を監視するのが張學良の主な役目であつた。張學良には十三万の軍隊が

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HQ Hoover #202-Q-4

ありその大部分は敗残滿洲軍の殘黨であつて、その他張の司令部には日本側が全面的に學校を閉鎖したため余儀なく滿洲を後にした數百の學生や教師も集められてゐた。その財産の大部分を滿洲の土地、森林、鑛山に投資してゐたので、早速張學良は困窮し資金を南京政府に依存する破目になつた。その結果張の軍隊の俸給も滯給となり其の學校や行政諸部門も窮迫した。

共産黨に對抗するかはりに張學良の軍隊は共産黨と提携し、張の領土内においては南京反對の宣傳をひろめるのをさへ許してゐるさいふことは已に數ケ月前から知れてゐた。一九二七年に上海、南京、漢口で國民黨と共産黨とがはじめて分裂した時以來蔣介石大元帥は終始中共を討伐すると調停するさいふ政策に反對してゐた。蔣介石は中共をモスコウのコミンテルンの手先であるとして、ロシヤとの關係を絶たず而も西北地方において獨立の地位を保つてゐる限りは共産黨との交渉を拒絶した。

將元帥が張學良を西安の反共司令部指揮官の地位から解放して共産黨に

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HUAC #202-3-4

對する抵抗を繼續すべき他の幕僚をこれに代へる意志があるさ考へられてゐた。

蔣介石元帥が西安に向けて出發する三日前に南京政府行政院は、蔣元帥の樹立した中國の對外政策が依然さして國政府の指導原理たるべく、又、中國西北地方における反共運動は繼續されるべきであることを再び肯定する決議案を採擇した。西安への旅行には蔣介石は數人の軍司令官を含む十人の政府高官さ、小數の護衛兵を同伴した。この將校の中には、福建省（昨閩）級靖主任蔣鼎文も交つてゐたが張學良に代つて西北反共軍司令官に就任することになつてゐた。

蔣介石さその幕僚を誘拐する劇的事件が行はれた西北國境地方の都市である西安は、黃海の海岸から眞直ぐ西約七百哩の地である。中國さ中央アジアを結ぶ古來の西北路に在るさいふ戰略的位置の爲に、西安は紀元前一一二二年頃に起つて八百年以上續いた周王朝の所在地さして歷史的にも重要である。孔子、佛子、老子、墨子さ有名な學者を輩出した中國史におけ

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る古典時代もこの周の時代に當つてをり、又世界で最もすばらしい古代青銅藝術の數多い見本は西安附近に在る周の王侯たちの墓から出たものである。さらに又、この地方で周と商（西紀前一四〇〇）の兩王室の間に戰爭がくりかへされ黄河の峽谷と、今日の中國人の先祖の居住地である進貢國家の支配權をめぐつて爭つたのである。

この土地こそは中國、日本、ロシアつまりは全世界の政治的利害を絡むアジアの政治駈引といふ一つの近代劇を演ずるにはお誂へ向きの舞臺であつた。

蔣介石元帥は十二月七日飛行機で西安に着くと、同市に程近い溫泉場に本部を構へた。陝西省民政廳長邵力子は元帥を歡迎した。邵は元上海の新聞編輯長だつたが、中央政府の任命で廳長の職に就いたものだ。邵廳長は同地方の警察力を擴つてゐたがこの警察はその後

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Hoyt Hoch #202-Q-4

複雑な事体が展開された期間も依然として蔣介石に忠誠を守つたのである。蔣元帥は何ケ月も宋美齢夫人を同伴しなかつたのであるがその間で、これがその第一の重要な政治的使命であつた。

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蔣介石元帥到着後の數日は、蔣元帥、幕僚、青年元帥張學良、西安綏靖主任、楊虎城との間の會談で費された。張學良元帥と楊將軍とが即刻日本を伐てとする。地方諸派をこの會談に沿じ入れようと絶えず主張したため成果は殆んど見らなかつた。

無益な會談を重ねること四日、蔣介石は共產黨に對する組織的運動の火蓋を切る旨の政府の決定を張學良に傳へ、共產軍が西北に在つて獨立の地位を保つてゐる限り日本と戰ひを交へることはしないと說いたが、張學良とその協力者楊虎城は、中共の條件を受諾して國民の抗戰力の「統一戰線」を形成した方が良いと主張した。

張學良元帥は西北領域の二七萬の軍隊に對する財政的援助と軍需品の供給の責任は中央政府が負ふものであると力說した。併し張學良は自分の地位からして、この「統一戰線」が國民黨政府の總司令官の命令を受けるといふことには保證を與へるわけには行かなかつた。張學良元帥が蔣介石との交涉に中共代表を引き入れようと決意した理由はこれによつて明瞭にならう。

討議場の緊張つひに行詰りの狀態のまゝ、蔣介石は西安市郊外の個

PURL: http://www.legal-tools.org/doc/4ab673/

Exh. Doc #202-Q-4

人宿舎に引揚げ、そこで少數の護衛兵と地方警察の分遣隊に守られてゐた。

張學良は直ちに自分の一隊と楊虎城麾下の軍隊をひらき、自分の軍隊の方から一聯隊をその夜の中に市街の周圍に出動さすべき旨の秘密命令を發した。明方までにはクーデ！ターは成り市街は完全に包圍された。抵抗は只一度蔣の滯在する溫泉場で蔣元帥の小數の護衛兵と地方警察分遣隊から受けただけであつた。砲聲に起されて、蔣介石は護衛兵の一人と宿舍を脫け邸を圍んである高い塀をよぢのぼつた。足首を挫いて止むなく荒れた溫場に身をひそめるやうなことをやつてゐたかもしれない。とにかくうまく成功してゐたかもしれない。とにかく潛伏中一青年紳士に發見され、邸内へ更に市内へと護送され、湯虎城麾下の私邸に監禁された。宋政廳長邵力子はなほ警察を率ゐて蔣介石に忠誠を守つてゐたが、間もなく捕へられて蔣介石の參謀たちと共に監禁を受けた。

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蔣介石元帥の監禁が公表されると全市に非常な動揺を與へ、これがデモや大衆の會合や示威行進の導火線となつた。市街には忽ちのうちに、日獨伊防共協定を彈劾して日本に對する「統一戰線」を要求する旗や貼紙が出るかと思ふと急進派の連中は蔣介石を中共と戰爭をして日本に宣戰しなかつた時でソヴイエト式の人民裁判に附することに、賛成したり或る人々は蔣元帥をどこか西北地方の秘密の場所に送つて南京政府が反共戰爭を撤回するまで人質にして置かうといふことに賛成した。

この時までは蔣元帥誘拐の陰謀に共産黨が一役買つてゐるといふことにつき外部にはつきり出るやうなことはなかつた。ところが、張學良が延安の共産黨本部に飛行機を送つて中共の指導者三人を西安に呼んでからは、早速中共の手出しが目立つてきた。三人といふのは、第一戰線赤軍政治委員會中共軍官學校副主席周恩來、東方戰線共産軍司令員葉劍英及び共産黨秘密警察の首領パチ(Pao)ク(Ku)？であり、他に秘書と補佐役數名が同伴した。三名の共産黨使節のうち周恩來は、一九二

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七年の国民党革命の當時共產党を代表して上海占領を企てて武裝した勞働者、罷業者闘爭監視員（ピケ）を組織した男として知られてゐた。

周は蔣介石元師に捕へられたが釋放されたので數ケ月モスコウに行き歸國と同時に陝西北部にある中共政府に參加した。

西安不法事件の犯人は、大して長時間を經ることなく自分たちの行爲の重大なことを悟るに至つた。特に重大なのはモスコウと東京が同時に夫々陰謀に共犯したことはないと否定し却つて相互に責任を負はせ合つて自らの罪を否認したことである。モスコウの諸新聞は、でかでかと記事を載せて蔣元師誘拐は汪精衛と日本側の仕業であると彈劾し、東京の政府高官連は張學良元師の行爲は共產主義にけしかけられたものであると非難し更にこれは中国が直ちに防共協定に參加する必要性を證明する「客觀的敎訓」であると言言した。

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東京の報知新聞は共産黨の「統一戰線」結成の宣傳はスペインでも中國でも同一であるさ述べ、又若し張學良がソヴイエト、ロシアさ結んで抗日戰線を結成しようさ試るならば日本はその處置をさるさ威嚇した。一方中國の自由主義的新聞大公報は、日本は西安事件を利用して防共協定に調印させるため中國に對する壓迫を强化したさ告發し、東京日日新聞は朱德、毛澤東の中國共産黨は着々さ勢力を增强しつつ中國に於ける中心勢力を獲る機會を睨々さして狙つてゐるさ述べた。

PURL: http://www.legal-tools.org/doc/4ab673/

Defense Document 202-R-2

Excerpts from
Prosecution Witness JOHN B. POWELL's Book
"MY TWENTY-FIVE YEARS IN CHINA"

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(New York, The MacMillan Company, 1945)

A Bear by the Tail

Pages 276 and 277.

T.V. Soong, former Finance Minister and Shanghai banker, who also played a prominent part in the negotiations for the Generalissimo's release, has likewise remained silent. The size of the check he is said to have handed over in exchange for the release for his illustrious brother-in-law has never been disclosed.

Since the Sian negotiations were conducted in secret and no official report of the outcome was published, there is still speculation as to what actually happened. The most obvious result of th Sian Incident was apparent just seven months later at Peiping. It was written in letters of blood for the world to read--war! War between China and Japan, and ultimately involving the entire world.

One result of the Sian Incident was an unexpected trip abroad for Dr. H.H. Kung, Minister of Finance in the Nanking Government. Dr. Kung's trip resulted from a confidential proposal of the Soviet Government that China take steps to form a military alliance agains Japan. Moscow was especially anxious that the United States be brought into the alliance, but Soviet officialdom realized it would be futile for them to make the proposal. The Russians therefore urged China to send a mission abroad to sound out the various Power Russia, in fear of a Japanese attack, promised China full military support and agreed to send ample military supplies to the Chungking Government by way of the ancient highway across Sinkiang. Moscow also promised Nanking that there would be no further complications concerning the Chinese Communists, who would give their full suppor to the Central Government in its resistance to Japanese aggression. Dr. Kung did not realize the full import of his mission until he reached Berlin and was apprised of Germany's plans to wage war agai st the Soviet Union. Dr. Kung was told by the Nazi leaders to advi his government to join the Anti-Comintern Alliance of Germany-Japar Italy without delay.

When Dr. Kung reached Moscow he found the Russians had cooled on their proposal for a Chinese-United States-Soviet anti-Japanese alliance. Moscow now realized that war with Germany was inevitable and did not want to do anything to provoke the Japanese to attack Russia on the eastern flank. It was not long until the Chinese Communists also ceased their attacks on the Japanese army in northwestern China.

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Not Wed

Hoover #202-R-2

検索国産人ジョン、B、ボウエル著

「私ノ二十五年ノ中国生活」

x x x

（一九四五年ニューヨーク、マックミリヤン会社）

帰国キ出来ヌ西亜

二七六頁及ビ二七七頁

前蔵相ノ上海ニ行ケ・T・V。スウングハ元帥ノ釈放交渉ニオイテ重要ナ役割チシタガ同ジク沈黙チ守ッテキル。彼ノ有名ナ義兄ノ釈放ノ代リニ彼ガ渡シタトイハレテキル小切手ノ額ハ少シモワカラナイ

西安交渉ガ秘密裡ニ行ハレソノ結果ノ公式ナ発表ガナサレナカツタノデ宇際ニハ何ガ起ツタノカトイフコトニツイテハマダ推測スルバカリデアル。西安事件ノ最モ明瞭ナ結果ハチヨウド七ケ月後ニ北京デ明ラカニサ

PURL: http://www.legal-tools.org/doc/4ab673/

JACAR Ref. A02-R-2

レタ、ソレハ世界ニ対シテ血文字デモツテ書カレタ様ナ・トオフ話デアル、中国、日本間ノ戦争ソシテ後局ニオイテハ全世界ヲ巻キ込ムトコロノ戦争デアル

西安事件ノ一結果トシテ南京政府ハ抗日統一戦線ニ参加シタ、蒋介石ノ日記ニヨルト中国ハソ連ト諜報ノ交換ヲ行ッテイル、ソシテ蒋介石ガ同盟ニ加盟スル前ニ日本ヲ叩キ潰シテオカネバナラヌ」デハ蒋介石ガ同盟ニ加盟スルコトヲ絶対ニ阻止スルタメニ何ヲシタカ、ソレハ中国ニ於ケル共産党ノ活動ヲ援助シテ南京政府ヲ内部カラ崩壊サセルコトヲ目的トシタ、ソシテ中国共産党ハ中央政府ガ日本ノ侵略ニ対シ抗日統一戦線ヲ結成シタ、又一モスコウ」ハ南京ニ中国共産党ニ同シテハモウ西安デオコサマコトデモ約束シ

Hoy. Hoover #202-R-2

ルヨウニ政府ニ勧メルヨウニト云ハレタ

孔博士ガ「モスコウ」ニツイタ時ニハ蘇西亜ハ中国、合衆国、ソビエツトノ対日同盟ヲツクル提案ニツイテ前程ノ熱心サヲミセナクナツテキタ、「モスコウ」デハ対独戦争ガ今ハ不可避デアルコトヲ悟リ日本ガソ連ヲ攻撃サセルヨウニ利載スルコトハシタガラナカツタノデアルソシテ聞モナク中国共産党モ中国ノ西北部デ日本ニヲ攻スルコトヲ止メタ

PURL: http://www.legal-tools.org/doc/4ab673/

Excerpts from
Prosecution Witness JOHN B. POWELL's Book
"MY TWENTY-FIVE YEARS IN CHINA"

****

(New York, The MacMillan Company, 1945)

Sequel of Sian

Page 278

Contrary to expectations in many quarters the outcome of the Sian Incident greatly enhanced Generalissimo Chian Kai-shek's prestige. Influential political and military leaders, particularly in the South, who had refused to give active support to Nanking, now declared their readiness to cooperate with the Generalissimo in opposing the Japanese. One of the Southern politico-military leader who declared their readiness to support Generalissimo Chiang was General Tsai Ting-kai, famous Cantonese commander who had resisted the Japanese invasion of Shanghai early in 1932, following the Manchurian Incident. Later. General Tsai broke with Nanking and retired to the British Colony of Hong Kong. Two other important military commanders, General Pai Chung-hsi and General Li Tsung-jen of Kwangsi Province, both of whom had distinguished themselves in the Nationalist Revolution, also declared their readiness to support Chiang Kai-shek in resisting Japanese aggression. General Li Tsung-jen declared that in his opinion China could hold out against Japan for ten years.

PURL: http://www.legal-tools.org/doc/4ab673/

Defence Doc. 202-S-1

辨護書類 二〇二一S一一

検察側證人ジョン・ビー・パウエルノ著書「支那ニ於ケル私ノ二十五年」ノ抜萃
（ニューヨーク、マックミリアン會社、一九四五年「飜訳者注―昭和二十年」）

一一二頁

三七八頁

「西安事件」ノ篇

多クノ方面ノ期待ニ反シ西安ノ件ノ結果ハ蔣介石大元帥ノ威信ヲ非常ニ高メタ。南京政府ニ活潑ナ支持ヲ与ヘルコトヲ拒絶シテ居ッタ有カナ政治及ビ軍事指導者達、特ニ南支那ニ於ケル是等ノ人々ハ、今ヤ日本ニ反抗スルコトニ於テ蔣介石大元帥ニ協力スル用意アルコトヲ宣言シタ。蔣介石大元帥ヲ支持スル用意アルコトヲ宣言シタ所ノ南支ノ政治軍事指導者ノ二人ハ蔡廷楷将軍デアッタ。彼ハ満洲事変ニ次イデ起ッタ一九三二年（飜訳者注―昭和七年）初期ノ日本ノ上海侵略ニ反抗シタ所ノ有名ナ廣東人指導者デアッタ。

ソノ後

蔡将軍ハ南京政府ト絶交シ香港ノ英植民地ヘ隠退シタ。

他ノ二人ノ重要ナ軍事指導者、廣西省ノ白崇禧将軍ト李宗仁将軍ハ、二人共國民主義革命ニデ功ヲ立テタノデアッタガ、又日本ノ侵略ニ抵抗スルコトニ於テ蔣介石ヲ支持スル用意アルコトヲ宣言シタ。

李宗仁将軍ハ自分ノ意見デハ支那ハ日本ニ対シテ十年間持チコタヘルコトガ出来ルト宣言シタ。

PURL: http://www.legal-tools.org/doc/4ab673/

Excerpts from
Prosecution Witness JOHN B. POWELL's Book
"MY TWENTY-FIVE YEARS IN CHINA"

****

(New York, The MacMillan Company, 1945)

Sequel of Sian

Pages 279 and 280.

In mid-January of 1937 there was a report from Sian stating that an American woman "with communist sympathies and having connections with leftist groups in the United States" had arrived in Sian and had delivered several addresses before mass meetings of students. The report said that several Chinese Communist leaders, including Chu Teh, Mao Tseh-tung, Chou En-lai, and others had arrived in Sian to confer with her. The report alleged that the Shensi War Lord, Yang Hu-cheng, had sent an ultimatum to Nanking declaring that if Generalissimo Chiang Kai-shek "did not open war immediately on Japan, the Communist army would attack the Nanking Government."

PURL: http://www.legal-tools.org/doc/4ab673/

Defence Doc. 202-S-2

弁護書類 二〇二-S-二 一一三頁

検察側証人ジョン・ビー・パウエル著書、支那於ケル私ノ二十五年」、抜萃
（ニューヨーク、マックミリアン会社、一九四五年（飜訳者註－昭和二十年））

「西安事件ノ績篇」
二七九頁及ビ二八〇頁

一九三七年（飜訳者註－昭和十二年）一月半バニ、「共産主義者ニ同情ヲ有シ合衆國ニ於ケル在留団体ト関係ヲ有スル」アメリカノ婦人ガ西安ニ到着シ、学生大会ニ於テ数回ノ演説ヲ行ツタトイフ報道ガ西安カラ来タ。ソノ報道ニ依ルト朱徳、毛沢東、周恩来及ビソノ他ノ人達ヲ含ム数人ノ支那共産党指導者達ハ彼女ト協議スル為ニ西安ニ到着シタトイフコトデアル。ソノ報道ニ依ルト山西軍閥、楊虎城ハ南京政府ニ最後通牒ヲ送リ、若シ蒋介石大元帥ガ日本ニ対シテ即時開戦シナイナラバ共産軍ハ南京政府ヲ攻撃スルダラウト宣言シタトイフコトデアル。

PURL: http://www.legal-tools.org/doc/4ab673/

not used

Excerpts from
Prosecution Witness JOHN B. POWELL's Book
"MY TWENTY-FIVE YEARS IN CHINA"

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(New York, The MacMillan Company, 1945)

Mounting Tension

Page 297

Chinese military commanders in Central and South China met at Nanking to consider the threatening situation, and the National Government decided to evacuate all Chinese residents from Japan. On August 7 the Japanese ordered the evacuation of all Japanese nationals from Hankow and other points in the Yangtze Valley and South China.

PURL: http://www.legal-tools.org/doc/4ab673/

not used

Def. Doc 202-T-1
page 116

検察側証人ゴロ、ホウエル著、
「私ノ三十五年間ノ中国生活」ヨリノ抜粋

米

（ニューヨーク、マクミリアン会社一九四五年）

高マル緊張
三九之頁

中部及ビ南部、中国軍司令官達ハ南京デ陰悪ナル事態ニツイテ屢々会議ヲ
開キ国民政府ハ日本カラ中国居留民ヲ銀ヤ引揚フニトニ決定シタ。八月七日ニ日本当局ハ漢口及揚子江流域南部支那ニアル各地カラ全日本居留民ノ引揚ヲ命ジタ。

Excerpts from
Prosecution Witness JOHN B. POWELL's Book
"MY TWENTY-FIVE YEARS IN CHINA"

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(New York, The MacMillan Company, 1945)

Mounting Tension

Pages 297 and 298.

That evening an officer and a sailor of the Japanese navy were shot and killed as they were trying to enter the Chinese airdrome at Hungjao on the outskirts of Shanghai, and a Chinese guard at the airdrome was also killed. The Japanese Consul, Okamoto, declared the incident was of a "grave nature" and had been reported to Tokyo for appropriate action. A huge exodus of Chinese residents of the Hongkew and Chapei districts of northern Shanghai began, as a result of rumors that the Japanese were contemplating military action in the next few days. Thousands of Chinese from the country districts to the north of Shanghai poured into the International Settlement and the French Concession.

The situation at Shanghai became rapidly worse. Japanese troops landed at Woosung, ten miles north of Shanghai, and also in the northern or Hongkew section of Shanghai itself. Heavy fighting of a hand-to-hand nature broke out in the northern district of Shanghai when Chinese troops attacked the invading Japanese. The Japanese battleship Idzumo, which was regarded by the Chinese as a symbol of Japanese aggression, was moved up the Whangpoo and anchored alongside the Japanese consulate, directly in front of the International Settlement. Japanese naval authorities at Shanghai announced that they would be "compelled to adopt defense measures" because of numerous Chinese acts of aggression, including the murder of the Japanese naval officer and his chauffeur on the evening of August 9. They also announced that they were prepared to take "any necessary steps if the situation was further aggravated."

The Chinese mayor of the city, O.K. Yui, demanded that America and Great Britain prevent Japan from using the northern or Hongkew sections of the city as a base of operations against China. Great Britain requested that Shanghai be excluded from the zone of Japanese-Chinese hostilities, but Japan's answer was that the request was "clearly unacceptable--Britain has asked us to do the impossible." Instead, the Japanese expelled the International Settlement Police, including the British, from the Hongkew section. Japanese bombers

PURL: http://www.legal-tools.org/doc/4ab673/

Pages 297 and 298.

had already raided Hangchow, Nanchang, Nanking, Soochow, Chinkiang, and the Shanghai-Nanking Railway. The Chinese had curtailed railway traffic and declared martial law in all cities and districts adjacent to the railroads. At the same time, they ordered the lower Yangtze closed to navigation.

PURL: http://www.legal-tools.org/doc/4ab673/

Not used

Def Doc 202-T-2

證據國文書　二〇二ーTーニ

檢察側證人ジョン。ビーウェルの書「中國滯在二十五年」の抜萃

（紐育、マクミラン會社　一九四五年）

一一七頁ー一一八頁

高まりゆく緊迫

二九七頁並に二九八頁

其夜日本海軍の一將校と一水兵が上海郊外の虹橋飛行場に入らうとして射殺され、同飛行場の一中國警備兵も亦殺された。岡本日本領事は本事件は重大であり、既に東京に報告され適當なる處置を仰いだと言明した。日本側は玆數日中に軍事行動を執らうと目論んでゐるとの流言の結果、上海北部の虹口、閘北地區の中國住民が押すな押すなと逃げ

PURL: http://www.legal-tools.org/doc/4ab673/

用し始めた。郊外から上海北部にかけての數千名の中國人が共同租界とフランス租界に押寄せた。

上海の事態は急速に惡化した。日本軍は上海北方十哩の吳淞と上海自体の北部、虹口地區に上陸した。中國軍が侵入し來る日本軍に攻撃をかけた際、激しい白兵戰が上海北部地域に勃發した。中國人が日本の便衣の家徽と見做してゐた日本の戰艦出雲は黃浦江を溯つて共同租界の眞前に在る日本領事館に並んで投錨した。日本の海軍當局は、止むを得ず防衛措置を執るであらう。其理由は八月九日の夜日本海軍の士官並にその運轉手が殺された事件もその一つであると、中國側の攻撃的行爲が悲しいからであると、聲明した。日本の海軍當局は亦事態が更に惡化すれば、如何なる必要處置をも之を執る用意がある旨聲明した。

上海の中國人市長愈鴻鈞は米國並に英國が、日本に市の北部卽ち虹口地區を作戰基地として使用させぬ樣請した。英國は上海が日文の交戰地帶とされぬ樣懇請したが、右の懇請を「受諾することが出來ないのは明

PURL: http://www.legal-tools.org/doc/4ab673/

Ltr of War # 202-F-2.

かだ、英國は吾々に不可能なことを強ひるものである」といふのが日本の回答であつた。その代りに、日本側は英國人も含む共同租界の警察官を虹口地區より追拂つた。日本の爆撃機は既に杭州、南昌、蘇州、鎭江並に京滬鐵路を襲撃してゐた。中國側は鐵道交通を切詰め鐵道に隣接してゐる總ての都市や地方に疎開令を布いた。同時に揚子江下流の航行閉鎖を命じた。

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Excerpts from
Prosecution Witness JOHN B. POWELL's Book
"MY TWENTY-FIVE YEARS IN CHINA"

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(New York, The MacMillan Company, 1945)

Mounting Tension

Pages 299, 300 and 301.

The worst carnage occurred at a street intersection between the International Settlement and the French Concession, about a mile from the Bund, where some 5,000 refugees had assembled to receive free rice dispensed by an amusement concern known as the "New World." The streets which crossed at this corner were main thoroughfares known as Yu-ya-ching Road and Avenue Edward VII. The traffic light in the center had just turned from green to red when a small motor car with three passengers, a man, woman and little girl, came to a stop, waiting for the traffic light to change. Hearing planes flying low over head, just skimming the tops of the business buildings, the driver of the car opened the door and stepped out in the street to investigate. Just as his feet touched the ground he uttered a cry, threw up his arms and dropped dead on the pavement. A machine-gun bullet had passed through his heart.

The victim, the first foreigner to be killed in the China-Japan war, was the Reverend Dr. Frank Rawlinson, editor of the Chinese Recorder, leading magazine of Protestant missions in China. Dr. Rawlinson was born in England and received his education in the United States, where he became a naturalized citizen. He was the outstanding pacifist in the missionary community in China. He was a strong and fearless opponent of Japanese militarism, and was also opposed to the militarization of China as a means of settling international differences in the Far East. Mrs. Rawlinson and their daughter were stunned at his collapse and, not realizing what had happened, they lifted him into the car and drove to a hospital. The car had just turned the corner when all hell broke loose in the wide crowded plaza at the street intersection behind them.

A Chinese plane, carrying two heavy bombs, had attempted to drop them on the Japanese battleship Idzumo, anchored in the Whangpoo harbor directly in front of the downtown section of the city. Before the Chinese plane could get in position for the delicate bombing operation, it was attacked by a Jap fighter. Badly wounded, the Chinese pilot attempted to return to the Lungjao Airdrome on the outskirts of the city, which was still

PURL: http://www.legal-tools.org/doc/4ab673/

Pages 299, 300 and 301.

held by the Chinese forces. Realizing his inability to reach the Chinese base with his damaged plane and heavy load, he attempted to loose the bombs as he flew over the local race course. But the heavy explosives fell short of their mark by about three hundred yards, striking almost in the center of the plaza, crowded with the normally busy noon-time traffic of Shanghai streets, consisting of motor cars, rickshas, and pedestrians, plus the thousands of Chinese refugees who had gathered there for their free bowls of rice and tea.

The first bomb, exploding as it struck the asphalt street, apparently had detonated the second a few feet above the street level, causing its load of death-dealing explosives to spray across the crowded plaza. Dozens of motor cars and their occupants were riddled with shrapnel or incinerated by their exploding gasoline tanks, while hundreds of pedestrians were dropped in their tracks for a block in all directions. The worst carnage was among the crowd of refugees massed in front of the New World Amusement Center, where the food was being dispensed. Mangled bodies of men, women and children, with most of their clothing burned away, were heaped against the building to a height of five feet.

PURL: http://www.legal-tools.org/doc/4ab673/

PURL: http://www.legal-tools.org/doc/4ab673/

「中世紀の老人ジョン・ヒューンのお話」

ヴェルナー・ヒューン著

（ドイツ、ロイトリンゲン市、ヤクミラン書店、昭和十年刊）

讀みやすい話

二九九頁、三つの長篇に三つの一頁

ウチの、パンドラの箱から兎を一匹ばかりの國にある、米國民とフランス國民とドレてゐる獨白と、政治獨白と、ヒットラー氏の獨白の方が面白くなつた。米國にゐる獨逸人は、獨逸の方が面白くなつた。米國にゐる獨逸人は、獨逸の方が面白くなつた。米國にゐる獨逸人は、獨逸

Def Hon #202-T-9

るゴーストップの信號燈が丁度青から赤に變つた時、男と女と少女の三人の客を乘せた小型自動車が止り、信號燈が變るのを待つた。飛行機が頭上低く同社の建物の天邊すれ〳〵に飛ぶのを耳にしてその自動車の運轉手はドアを開けて調べようと街路に降りた。

足が地に着くや彼は叫聲をあげて兩手をあげて倉皇にばつたり倒れて死んだ。彼は信號が心臟を貫通したのであつた。

この中日戰爭の犧牲者、最初に命を失つた外國人は、當時に在つたフランク、ローリンソン博士であり、博士は支那に於ける新教派の布道團の一流隊である「中國の記念旗」の編輯者であつた。ローリンソン博士は英國に生れ合衆國で教育を受けたが、博士は中國の傳道界に於ける眞摯な平和主義者であり日本軍閥主義の五旦つ大膽なる反對者であつたし、又五卓に於ける國際紛爭を解決する手段としての中國の宣傳化にも亦反對であつた。ローリンソン夫人とお孃さんは博士のヘナ〳〵となつたのにびつくり仰天して何が起つたのかも僞らずに博士を自動車に乘せ、病院へ急いだ。

PURL: http://www.legal-tools.org/doc/4ab673/

その自動車が正に角を曲つたとき彼等が後にした街の交叉點にある貴
族會した貴地に惡魔が放たれたのであつた。
一中國機が二個の大型爆彈を抱んで上海市の下町地區の民正面に當る貴
地に投下しようとしてゐた。
右の中國機は細心の手際を以する爆撃作の出來る位置に到着しない内
に日本の一戰闘機に攻撃された。爆彈を負うたので、其の中國人の操縦
士は街中民家の手に落ちされてゐた市の郊外に在る虹橋飛行場に向らう
としたが、その傍ついた飛行機と言い爆彈を以てしては中國人の墓地
に到着不可能なことを悟り、爆彈のピンを抜き上海を飛ぶときその爆彈を投下し
ようとしたが、爆彈は凡そ三百ヤードばかり的をはづれ、上海の街路の
お午時の、自動車や人力車や歩行者の例の如く忙しい往來に加えて一樣
の苦樂と苦を抱んものと集つた數千の中國人の墓地でどつとかえして
ゐる民衆のほとんど眞中に落ちた。
最初の爆彈は街路に當つた時爆發しなかつたが、これが第二發目の爆彈は路面
より二、三尺高くと、で破裂し、その爆發物は込み

Hist. Doc. #202-T-4

合つてゐる屍者の上に飛び散つた。
何十臺といふ自動車とそれに乗つてゐた者は機関銃のために孔だらけになり或はそれらの自動車の燃料にしたガソリンタンクの爲めに火達
磨になつた。
一方何百人といふ歩行者はすべての方向の街頭に亘つて其處で死んだ。
掠奪者である新世界の前に陣がつてゐた避難民がやられたのが一番ひどかつた。其處では食物の施しが行はれてゐたのであつた。
被害地域になつた男女、子供の死体は大抵上着が剝けて無くなつてゐたが、五呎も高く積み重ねられた。

PURL: http://www.legal-tools.org/doc/4ab673/

Excerpts from
Prosecution Witness JOHN B. POWELL's Book
"MY TWENTY-FIVE YEARS IN CHINA"

***

(New York, The MacMillan Company, 1945)

Mounting Tension

Pages 302 and 303.

The other tragic happening of Black Saturday occurred within a few minutes of the first bombing. These bombs, five in number, were also aimed by Chinese aviators, flying Northrop bombers, at the Japanese battleship Idzumo in the harbor, but missed their mark by about five hundred yards and crashed into the busiest block of Nanking Road, Shanghai's main street, and directly in front of the city's two leading hotels, the Palace and the Cathay. This street was also crowded with Chinese refugees, several hundred being killed and wounded. Several foreigners were killed and others wounded at this point.

The same afternoon, another bomb struck the roof of the six-story office and warehouse of the United States Navy Purchasing Bureau, also located in the downtown section of the city and only about a block from the American consulate. This bomb, a freak hit, crashed through the concrete roof and five concrete floors and landed on the cement floor of the basement of the building without exploding. It contained the mark of a munitions house in Czechoslovakia. The nationality of the plane which dropped this bomb was never established. Some days later, another high explosive missile, either a bomb from a plane or a shell from a naval gun, struck the fronts of, and seriously damaged, Shanghai's two largest Chinese department stores. Here the casualties were numerous, both within the crowded stores and in the streets.

PURL: http://www.legal-tools.org/doc/4ab673/

Def Exhibit #202 - T-5

admitted

辯護團文書二〇二ー下ー五

檢察側證人ジョン・ピー・ボウエル著「中国滞在二十五年」の抜萃

（紐育、マクミラン會社、一九四五年）

高まりゆく緊迫

三〇二頁並に三〇三頁

暗い土曜日の、もう一つの悲惨な出來事の起つたのは、最初の空襲があつてから二、三分と經たぬうちであつた。今度の五つの爆彈も亦ノースロップ爆撃機を飛ばせた中國人飛行士が黄浦港に碇泊中の日本の戰艦出雲を狙つたものであるが、五百ヤード程的をはづれ、上海の本通りである南京路の一番の繁華街に、しかも上海市の一流ホテルであるパレスホテルとカセイホテルの眞前に轟然炸裂した。この爆りも亦中國人の避

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Ref. HOTH 202-T-5

難民で一杯で、数百名の死傷を生じた。此處で数名の外国人が革命し、其他負傷者を生じた。

更更に同日の午後、合衆国海軍買局の六階建の事務所と倉庫の屋根に爆弾が落ちた。この時買局も亦下町地區に在りアメリカ領事館から僅かに一區劃程離れたところに在つた。此爆弾はさぐれ當りであつたが、コンクリートの屋根と一階から五階までのコンクリートの床を突然貫いて爆發せずに地下室のセメントの床に止つた。その爆弾にはチエツコスロバキヤの一工業會社のマークが付いてあつた。此の爆弾を落した飛行機の國籍は判明しなかつた。翌日たつてから更に一発の性の高い飛道具が、それは飛行機からの爆弾か若くは海軍砲からの砲弾であるが、上海最大の二つの支那人百貨店の正面に命中し、之にひどい損害を與へたが、此處での死傷は込み合つた店内と街頭とで數しいものであつた。

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Excerpts from
Prosecution Witness JOHN B. POWELL's Book
"MY TWENTY-FIVE YEARS IN CHINA"

***

(New York, The MacMillan Company, 1945)

American Ships, Japanese Bombs, In 1937

Page 319.

The most complete and connected account of the attack, showing unmistakably that it was deliberate, was given by a young Annapolis graduate, Lieutenant John Willard Geist, who was aboard the Panay at the time of the incident and accompanied the survivors on the long trek along the river bank at night until they were picked up several hours later by the surviving American and British boats. Lieutenant Geist said the Panay was bombed by two flights of Japanese planes, the first consisting of three planes and the second of six planes. He said the first Jap bombs were dropped with remarkable accuracy from an altitude of approximately 7,000 feet. Practically all of the bombs either hit their mark or fell so near as to cause serious damage to the ships.

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not used

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検察側証人ジョン・B・オウエル著
「私の三五年間の中國生活」ヨリノ抜萃

米　米

（ニューヨーク、マクミリアン會社　一九四五年）

一九三七年ノアメリカ汽船ト日本ノ爆彈

三一九頁

若イアナポリス卒業生ノジョンウイラアードギースト大尉ガ攻撃ガ故意デアッタトイフコトヲ間違ヒナク示ミナサルトコロノ最モ完全ナ一貫シタ説明ヲシタノ。彼ハ事件発生當時「パニイ」ニ乗船シテ居リ数時間後ニ残存セル米英ノ船ニ救助サレルマデ我存者ノ一人ト共ニ揚子江長イ間川岸ニ沿ッテ泳イダリデアル　ギイスト大尉ハ「パニイ」ハ二編隊ノ日本飛行機ニ爆撃サレ、カノ一ノ編隊ハ三機ヨリ成リ二ハ六機デアッタトイフノ、又彼ハ最初ノ日本爆彈ハ凡ソ七〇〇〇フイートノ高度ヨリ相當ノ正確サヲモッテ投下サレタトイフノ、実際爆彈ハスベテノ目的ニ當ッタカ或ハ船ニ重大損害ヲ与ヘル程ノ近イトコロニ落チタノデアル

Excerpts from
Prosecution Witness JOHN B. POWELL's Book
"MY TWENTY-FIVE YEARS IN CHINA"

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(New York, The MacMillan Company, 1945)

The Pressure Increases

Pages 326 and 327.

The chief defender of foreign interests in the midst of these developments was an American citizen named Stirling Fessenden, who occupied the post of secretary-general of the International Settlement, a position resembling that of city manager in the United States. Fessenden was elected chairman of the Municipal Council of the International Settlement in the early 1920's, and was familiarly known as "Lord Mayor" of the city for nearly two decades. He was finally forced to resign, in 1939, as a result of failing eyesight.

Fessenden was born at Fort Fairfield, Maine, and after graduation from Bowdoin College he went to Shanghai as a young law school graduate in 1904 on a mission for the old American Trading Company of New York. He remained to become an important figure in the hectic politics of the International Settlement, wherein lived almost half of Shanghai's 3,500,000 people, including nearly 100,000 foreigners of various nationalities. Fessenden had a wide acquaintance in both the foreign and the Chinese communities and, of particular importance, enjoyed their confidence and respect. During the long period of anti-foreign agitations beginning in 1925, Fessenden was the only foreign official in Shanghai who was in constant contact with the Chinese leaders. On no less than three occasions he was credited with "saving" the Settlement from possible occupation by hostile Chinese factions. The most serious threat was in 1927, when he blocked the Communists' attempt to take over the Settlement. On another occasion he blocked an attempt of the Diplomatic Body in Peiping to "take over" the Settlement and abolish its elective form of government.

PURL: http://www.legal-tools.org/doc/4ab673/

not used

LIT LOC # 202-V-1

證號碼二〇二ヴ一

檢事側證人「ジョン、ビーベウエル」著「左支二十五年間」ヨリノ抜萃

（一九四五年ニユーヨーク、マクミラン社發行）

經歴ハ募リテ

之等ノ事件ノ進展ノ最中ニアッテ外ノ利害ノ關係ニ當ッタノハ主トシテ「スターリング、フエッセンデン」トイフ、米人デアリマシタ。彼ハ米ニオケル市長トイッタ地位デアル共同組界ノ事務總長ノ地位ヲ占メテ居リマシタ。

「フエッセンデン」ハ一九二〇年代初頭ニ共同組界ノ市參事會ノ議長ニ選バレ、約二十年間ニ汎ッテ同市ノ「市長」（ロード、メア）トシテ誰知ラヌモノモアリマセンデシタ。一九三九年遂ニ辭職ノ止ムナキニ至リマシタガ、ソレハ視力減退ノ爲デアリマシタ。

「フエッセンデン」ハ「メイン」州ノ「フオート、フエアフイールド」ニ生レ「ボードイン」大學卒業後、一九〇四年ニ若イ法律學徒出身者ト

PURL: http://www.legal-tools.org/doc/4ab673/

シテ「ニューヨーク」ノ古イ貿易會社カラ使命ヲ帶ビテ上海ニ參リマシタ。彼ハズット首尾ニ止ッテ、共同租界ノ困難ナ政界ノ大立物トナリマシタ。

共同租界ニハ、上海ノ總人口三百五十萬中ノ殆ンド半數ガ居住シテ居リソノ中ニハ凡ソ十萬ノ種々ノ國籍ニ屬スル外國人ガ含マレテキマシタ。「フェッセンデン」ハ外人ノ間ニモ中國人ノ間ニモ共ニ廣イ面識ヲ有シ特ニ重要ナノハ、コレラノ人々ノ信頼ト尊敬ヲ集メテ居タコトデアリマス。彼ハ一九二五年ニ始ル長イ排外運動ノ期間ニアッテ、中國人ノ指導者ト相變ラズ交際ヲ續ケテキタ上海デ唯一人ノ外人官吏デアリマシタ。共同租界ガ排外的ナ中國人ノ徒黨ニ占領サレサウニナッタ時之ヲ三度迄救ッタノハ彼ノ功ダトイハレテ居リマス。殊モ憂慮サレタ程度ハ一九二七年ニオコッタノデアリ、ソノ時彼ハ共產黨主義者ニヨル租界奪取ノ試ミヲ阻ンダノデアリマス。

又、彼ハ、北平ノ外交團ガ租界ヲ奪取シテ選擧ニヨル政治樣式ヲ廢棄セントシタ時、之ヲ阻止致シマシタ。

PURL: http://www.legal-tools.org/doc/4ab673/

Excerpts from
Prosecution Witness JOHN B. POWELL's Book
"MY TWENTY-FIVE YEARS IN CHINA"

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(New York, The MacMillan Company, 1945)

The Pressure Increases

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Although the American community in Shanghai, businessmen as well as missionaries, were convinced of the certainty of a general war in the Far East which would involve the United States, there was the equally definite feeling among the members of the community that our people at home did not realize the seriousness of the situation, or its implications from the standpoint of the future welfare and security of the United States.

As a result of this conviction, the American Information Committee was organized for the purpose of disseminating in the United States information regarding the threatening aspects of the crisis created by the Japanese occupation. Headed by a missionary named Edwin Marks, the committee included in its membership a large number of representatives of American business organizations and mission bodies, and two or three journalists. None received pay for his or her services, because everyone was prompted by an intense desire to contribute toward a better home understanding of the crisis. Members of the community who were familiar with various phases of the situation were called upon to prepare authenticated reports dealing with various phases of the Japanese occupation, and its effect on the lives and activities of both foreigners and Chinese. Thousands of booklets were prepared for distribution in the United States to newspapers, chambers of commerce, civic associations, etc. Funds covering the cost of printing and postage were raised in the American community, and members of the committee volunteered their services in smuggling the booklets aboard non-Japanese ships bound for the United States.

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LEF DOC # 202 V-3

證據書類　二〇二―V―三

檢察側證人ジョン、ビー、ボウエルの著書
「吾在支二十五年」より抜萃

× × ×

（ニユウヨーク、マックミラン會社一九四五年）

一三一頁

證據番號加ス

三三三頁

右上海の米國人、即ち宣教師とか實業家連は米國を捲き込むならむ極東に於ける全般的戰爭の必然性を信じて居つたが、本國の我國民は事態の重要性、或は米國の將來の繁榮及保障の觀點よりする事態の關聯性を悟つて居ないといふ感情が一様に明らかに同米國人の間にあつた。

この確信の結果として、日本軍の占領により惹起せられたところの切迫せる危機の狀況に關し情報を米國々内に宣傳せんが爲に米國情報委員會が組織された。エドウイン、マーク宣教師指揮の下に、同委員會はその會員中に多數の米國實業家團体及布教團体の代表者、且二三のジヤーナリストを包含して居た。誰も彼も無報酬で盡した、それはこの危機に

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對する本國の理解を深めんが爲に貢献せんとする烈しい願望に皆が促されて居たからである。事態の各方面に精通せる人々は、各般に亘り日本軍の占領及その外國人及中華民國人の生活範圍に對する影響に關して、確證ある情報を作成することを要求せられた。何千册の小册子が米國の各新聞社商工會議所、民間團体等に頒布の爲準備せられた。印刷及郵税の總費を賄ふ基金は米國人の間に於て調達せられ、又日本國籍ならざる米國向汽船に該小册子を密かに積込むことに同委員會の會員達がその盡力を進んで申し出た。

PURL: http://www.legal-tools.org/doc/4ab673/

Def. Doc. 203-B-1

Excerpt from "MANCHURIA - Land of Opportunity" Publication of South Manchuri Railway Company, New York, 1924

Chapter II.

II. NATURAL RESOURCES OF MANCHURIA

(1) AGRICULTURE

The Garden of China--"Manchuria," says the Encyclopedia Americana (1921), "has one of the richest soils in the world, and, with the development of the soya bean industry, has grown more rapidly than any other Chinese province. In the summer the southern part looks to an American much like Illinois, and one may find on its northern hills lilies-of-the-valley, pink peonies, white and yellow daisies and the fragile dog roses, as in Wisconsin and Minnesota. With the exception of the four icelocked months, its fields are luxuriant with wheat, barley and millet, so that it has come to be called the "Garden of China."

The "Economic History of Manchuria," published by the Bank of Chosen (an interesting and valuable contribution to the growing literature of Manchuria) states: "Manchuria is yet the most favored spot for agriculture in the Far East, and its opportunities may well be termed "immense". That great mass of level land, extending over the whole of Central Manchuria and comprising the basins of the Liao, Sungari, Nonni and Hulan, the productiveness of which can compare favorably with any part of Japan or Korea, is by itself large as the whole of the Chinese Peninsula* or of the mainland of Japan, and, to those who know how little of level land there is in these two countries that is really arable and actually under cultivation, it will not be all difficult to imagine the wonder in which the two peoples look upon this apparently boundless extension of rich field. An American genteleman with whom the author had the honor of traveling in Manchuria ejaculated, as the train was drawing near to Mukden, 'This is exactly what we see in America,' as though relieved at seeing something homelike after a long journey through apparently endless chains of rugged mountains in Japan and Chosen."

Area under cultivation--The aggregate area under cultivation in Manchuri and Eastern Inner Mongolia is about 30,000,000 acres. The arable land awaiti development is estimated at 34,000,000 acres. The land being reclaimed is estimated at about a million acres a year.

Railways stimulating agricultural production--Until quite recently the crops were transported through inadequate waterways and by primitive Manchuri carts, but the establishment of railways and the highly effcient port of Dairen has made a radical improvement in transportation methods. The Chinese Eastern Railway, the South Manchuria Railway, and the Peking-Mukden Line of the Chinese Government Railways are now carrying annually large numbers of immigrants and great stocks of agricultural produce.

Methods of cultivation--Agricultural methods in many parts of Asia have changed little in centuries. But in Manchuria a great change has taken place since the South Manchuria Railway inaugurated its program of economic development work. Modern methods are taught the native farmers; the fertility of the soil has been increased; the yield and quality of the great staple crops have been improved; and new plants and trees have been introduced.

For this reorganization of Manchurian farming, the Agricultrural Experiment Stations instituted by the railway are primarily responsible. These station, similar in many respects to those in the United States, seek to bring to Manchuria the latest world knowledge of scientific agriculture.

At Kungchuling (in the heart of Manchuria, 400 miles north of Dairen) is the main experiment station. Here are being carried on important experiments in animal breeding. Merinos from the United States have been bred with the native sheep, increasing the quality and yield of wool, and thus giving great impetus to the export trade.

Much has been done to increase the oil content of Manchuria's Chief

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product, the soya bean, and better cultural methods have been taught the farmer. Sugar beets are being grown extensively, and beet sugar manufacture has become one of the important new industries of Manchuria.

The arboriculture work at the Hsiungyaocheng experiment station has been productive of most important results in reforestation and afforestation. Much of this country was barren of trees. But now big orchards dot the southern part of Manchuria; American apples and grapes have been successfully in troduced, and the fragrant perfume of acacia and pear blossoms fills the air in springtime. In Northern Manchuria there have been planted many Chinese poplars, from the wood of which match stems and pulp are made.

Experments are going forward at Hsiungyaocheng for the improvement of the cultivation of tussah, or wild silk, from which pongee is made. Wild silk is one of the principal exports.

Agricultural products --The chief agricultural products of Manchuria are soya beans, kaoliang (a sort of sorghum), millet, maize and wheat.

The output of the leading crops in 1913 was as follows (in tons), though it should be mentioned that yields were somewhat below the average on account of unfavorable weather:

	Kaoliang	Millet	Soya Beans	Corn	Barley	Wheat
Fengtien Province....	2,032,500	832,600	1,152,920	627,100	72,120	105,4
Kirin Province.....	1,218,820	318,260	706,870	571,120	105,140	255,2
Heilungkiang Province	476,490	139,500	522,240	181,610	77,460	209,7
Eastern Inner Mongolia	349,140	220,500	100,030	29,420	14,100	28,1

Soya beans--The United States Department of Agriculture, in a recent report, made this statement: "The rapid rise of the soya bean to a crop of special importance in the world's commerce in the past few years is one of the most remarkable agricultural developments of recent times."

The soya bean has been an important product of food and general utility in China for 5,000 years, but it is only during the last few years that America and Europe have learned of the importance of this staple of the soil of Manchuria. The Japanese firm of Mitsui & Company made the first shipments abroad in 1908, when 100 tons were exported to England. Huge quantities of soya bean oil were exported to the United States during the World War to supply essential raw materials.

The development of a world market for Manchuria's chief trade product has resulted from the activities of the South Manchuria Railway Company in improving the quality of the soya bean and exploiting new uses for it through its agricultural research laboratories, and in systematizing the transportation and merchandising of the crop. The growth of the industry has provided employment for hundreds of thousands of Chinese, who have been attracted to Manchuria from the neighboring provinces, chiefly from Shantung.

With its very high content of protein (40%), the soya bean has been characterized as a "modern manna." Among its many uses the Department of Agriculture has listed these:

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Plants.	(Manure	(Hay.		
	(Forage.	(Ensilage	(Breakfast foods.	(Bread.
	(Pasture.	(Soiling	(Diabetic foods.	(Cakes
			(Flour	(Muffins
		(Human food	(Infant foods.	(Biscuit
	(Meal.....	(Stock feed.	(Macaroni	
	(	(Fertilizer.	(Crackers	
	(		(Milk	
	(	(Glycerin		
	(	(Explosives		
	(	(Enamels		
	(	(Varnish		
	(		(Butter substitute	
	(	(Food products.....	(Lard substitutes	
	(	(Waterproof goods	(Edible oils	
	(Oil.....	(Linoleum	(Salad oils	
	(	(Paints		
	(	(Soap stock.....	(Soft soaps	
Seeds.	(	(Celluloid	(Hard soaps	
	(	(Rubber substitute		
	(	(Printing inks	(Soy sauce	
	(	(Lighting	(Boiled beans	
	(	(Lubricating	(Baked beans	(
	(		(Soups	((Fresh
	(	(Dried beans.....	(Coffee substitute	((Dried
	(		(Roasted beans	(Cheese (Smoked
	(		(Vegetable milk ...	((Fermente
	(Food....		(Breakfast foods	(
	(			(Condensed milk
	(		(Green vegetables	(Fresh milk
	(	(Green beans.....	(Canned	(Confections
	(		(Salads	(Casein
	(			

From the busy port of Dairen, the gateway to Manchuria and the southern terminus of the railway, merchant ships of many nations now carry great cargoes of soya beans and bean oil to leading ports all over the world. Beans are exported mostly to China and Japan, bean cake to Japan, and bean oil mostly to Europe and America.

In South Manchuria there are about 200 large bean mills, using various methods of oil expression, from the primitive hand press to motor power. Dairen, the chief center of this industry, has 82 mills. A new process to extract oil by means of chemical action was adopted at an experimental bean mill built by the South Manchuria Railway Company in 1925, and in pursuance of the company's policy, when the superiority of the process had been established, it was turned over to private management to develop commercially. Another development in the bean oil industry is also due to an invention made at the company's laboratory for the hardening of bean oil and the manufacture of stearin, olein, glycerine, etc., which led to the establishment of a private company for its special exploitation.

Soya beans of Manchuria are divided into four classes, according to color--yellow, white eyebrow, green and black. The chemical composition of soya beans, according to analyses made in the Dairen Central Laboratory, is as follows (the figure showing percentage.):

	Moisture	Albuminoids	Fat	Carbohydrates	Fiber	Ash
	%	%	%	%	%	%
Yellow Bean.....	9.11	39.90	17.59	24.27	4.92	4.21
White Eyebrow.....	12.34	37.35	17.37	23.36	5.12	4.36
Green Bean	12.64	36.47	16.23	25.08	4.89	4.69
Black Bean	10.74	35.32	15.80	24.43	5.96	4.00

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Kaoliang (a sort of sorghum)--The staple food of the native population is kaoliang, and it is also the principal grain food of the numerous animals kept for farm work and the carrying trade of the three provinces.

Before soya beans attained their present importance, half the total area of the cultivated land in Manchuria was devoted to kaoliang, and a large amount of it was exported to other provinces of China. Recently the cultivation of kaoliang has given place to that of beans in many places. In Manchuria approximately 26% of the cultivated area is devoted to kaoliang, 20% to beans, 20% to millet, 14% to corn, 8.5% to wheat and 11.5% to other crops. The acreage of corn runs higher than this average in South Manchuria, and that of wheat higher in North Manchuria.

The average annual production of kaoliang in Manchuria is estimated at about 220,000,000 bushels. It is not only used as a foodstuff for man and beast, but the native spirituous drink is also made out of it. Nor are the grains the only useful part of it; the stalks play a very important role. The outer leaf layers are woven into mats, so much required in the trade of the country, for roofing ricks and packing loads of grains and beans, and for numerous other purposes. The stalks are also utilized for fencing, bridging and housebuilding, and for fuel and pulp. Kaoliang spirit, extensively used in both Manchuria and Mongolia, is colorless and transparent, and possesses a strong flavor, which peculiarly appeals to the taste of the natives.

Millet--As a staple food of the native population, millet ranks next to kaoliang, and in North Manchuria, where kaoliang does not thrive so well, it is the main food of the inhabitants. It is also important as material fordistilling huangchu (yellow drink), while its straw is universally used for fodder. Millet is cultivated throughout Manchuria, but more largely in the north than in the south. The annual production is about 160,000,000 bushels. Its importance as an article of trade is growing.

Maize--Maize, or Indian corn, is grown in Manchuria in the same way as kaoliang. It is divided into three kinds--yellow, red and a native breed called laolaichou. It is grown in the southern part South Manchuria and also in a part of North Manchuria, and also forms an important article of food. In North Manchuria, an intoxicant is brewed from it. The stalks are used as fuel, while the dry blades are good for fodder. The crop is about 60,000,000 bushels.

Wheat--North Manchuria is an ideal wheat field, and this cereal is there grown in considerable quantities. The best wheat fields are around Ningan, Petuna and Harbin, along the right bank of the Sungari, and in the country around Suiwha. In South Manchuria wheat fields are mostly around Hsifeng and Hailung, and the country lying to the west of the Liao, while Tiehling has one of the largest flour mills in Manchuria. Wheat has been cultivated in Manchuria from very early times, but only recently has the production been sufficient to encourage export. Manchurian wheat has began to take its place in world trade. In 1920, as the result of an unusually good crop and a keen demand in Europe, 444,000 tons were exported through the port of Dairen In 1922, however, only about 10,000 tons were so exported. Manchuria imports large quantities of wheat flour.

Barley--The cultivation of barley in large quantities dates from the Russo-Japanese War, when the Japanese army in Manchuria created a demand for it as the grain food for horses. It is now cultivated in considerable quantities around Changchun, Kungchuling, Liaoyang and Haicheng. It is used by the natives as food and as feed for their animals. It is also used in the distillation of a native drink. Its annual production is estimated at 30,000,000 bushels, in round numbers.

Buckwheat--Buckwheat is an autumn crop which requires only two and a half months to ripen, being sown in July and harvested in September. It is often sown after wheat, or takes the place of other crops when these fail on account of drought or excessive rainfall, so that one harvest at least may be obtained from the soil. It is ground into flour and made into a kind of macaroni, baked into cakes, or boiled to make gruel.

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Rice-- Rice in Manchuria is not extensively cultivated in paddy fields, but it is grown on dry land like other cereals. The production has never been very large, for the Chinese in Manchuria do not care much for it. The demand is now fast growing owing to the entry of the Japanese into Manchuria. Just as the Russian entry into the north stimulated the cultivation of wheat, that of the Japanese in the south is encouraging rice cultivation there. The cultivation of lowland rice was first undertaken by the Korean immigrants , then it was followed by the Chinese, and today many Japanese are engaged in the cultivation of it along the railway lines.

Hemp and jute-- Hemp is grown in all the three provinces of Manchuria, about three-fourths of the total production being in the southern part. Jute is grown along the Liao, Nonni, Sungari and Tumen Rivers. About three-quarters of this crop is produced in North Manchuria. A large part of the hemp and jute is consumed where it is grown, but there is some surplus for export. Foreign shipments of hemp, jute and ramie at Dairen in some years have amounted to more than 2,000,000 pounds. Hemp plants cultivated for seed are not as a rule utilized for fiber, or, if they are, the yield is of a very poor quality. The best hemp, white and tenacious, is produced in Fengtien Province, and is generally woven into cloth, while the next quality is produced in Kirin Province, and is generally made into thread. A more ordinary quality is made into nets and ropes, and the poorest is used for paper-making. Jute is less flexible than hemp, but because of its waterproof nature is used in the making of bags, ropes, nets and string, and various shipping and fishing tackles. I 1916 a company was formed in Dairen to manufacture hemp bags, using Manchurian hemp and Indian jute.

Tobacco-- Tobacco is one of the staple products of Manchuria. The best leaf is raised around Kirin. It is Blended with foreign leaf in making cigarettes. The British American Tobacco Company has a factory at Mukden, and the East Asia Tobacco Company and the Toa Tobacco Company have factories at Yingkou. The export of the native leaf is increasing.

Cotton-- Cotton is grown only in the reginn lying to the south of a line drawn between Tiehling and Kangping. Cotton in Manchuria was originally cultivated on a very small scale by the farmer for the use of his own household, and it was only around Liaoyang and Chinhsien that cotton was brought to the market as an article of trade.

Wild silk--The cultivation of wild silk was begun in China some 1,800 years ago and was introduced into the Manchurian provinces by immigrants from Shantung Province about a century ago. Wild, or tussah, silk is used in the manufacture of pongee. The industry developed year by year, taking into the silk region district after district, until it now comprises almost the whole country, including in the south the Leased Territory of Kwantung and, further north, the towns of Kaiyuan, Changtu, Hailung, Tunghwa, etc; in short, nearly all South Manchuria. Antung and Kaiping are the principal centers of this silk trade. More than [illegible]9,000,000 worth of wild silk was exported from South Manchuria in 1922.

Sugar beets.--The soil is adapted to the sugar beet, and especially around Mukden are large tracts under cultivation for the South Manchuria Sugar Refining Company. The development of the beet sugar industry has been stimulated by experiments conducted at the Agricultural Experiment Station since 1914. The average percentage of sugar in beets is 15.34%

Other crops--Manchuria has great possibilities as a fruit-growing country, and it is quite possible that it may develop into a great wine-producing region, owing to its natural fitness for the cultivation of the vine. In the belt from Kwantung north to Mukden, the orchard industry grapes, etc., are now being grown.
Manchurian farms also produce potatoes, oats, red and kidney beans, etc.

Stock raising--Before the immigration of the Chinese from the south, the chief occupation of the original Manchus was the raising of stock. With the entry of the Chinese, the rich pastoral grounds which then covered the greater part of the country were converted one after the other into grain fields. Thus agriculture rose but stock-farming waned. A shadow of the old pastoral age is still visible on the Mongolian frontier and in the western part of Heilungkiang Province, where the inhabitants are engaged in the breeding of cattle. Besides, the Manchurian farmers generally keep large numbers of horses, mules, donkeys, oxen and pigs.

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The Chinese have always been skillful in using domestic animals on the farm. Five or six head of cattle, horses, mules or donkeys are often hitched at random to a heavily loaded cart, and this motley team is managed with admirable dexterity by a Chinese driver. Sheep and goats are plentiful, especially in Mongolia, where the inhabitants depend largely upon them for meat, milk and cheese.

Recent estimates of the live stock in Manchuria and Eastern Mongolia gave the following figures: horses, 2,500,000; mules, 600,000; donkeys, 600,000; cattle, 2,200,000; sheep and goats, 2,600,000, and swine 6,300,000. Nearly every farmer keeps a few domestic fowls. The total number was estimated at about 9,000,000 a few years ago, but it is impossible to give such figures with much exactness.

The horses are principally of Mongolian breeds, rather undersized, but with great endurance. Mules, unknown in Japan, have long been bred in China. They command higher prices than horses. The donkeys are used in farming and hauling.

The cattle are of Korean, Shantung, Manchurian and Mongolian breeds. The Chinese keep cattle as draft animals, and the Mongolians for the milk they yield, the beef being regarded as a by-product. The cattle in South Manchuria and Inner Mongolia have not been properly bred, and there is a great opportunity for improving the different breeds by the mixture of foreign stock. The same is true of sheep and pigs. The native sheep give only about three pounds of wool. With the recent development of the woolen industry in Japan, both wool and goats' hair have been exported in considerable quantities. In south Manchuria goat raising takes the place of sheep raising among the Chinese. Pigs' bristles are exported for brushes. The South Manchuria Railway Company, through its agricultural experiment stations, is importing American and British stock, and in time Manchuria may be expected to develop into one of the finest grazing countries of the world. Crossing the native sheep with Merinos has increased the output of wool of two-year-old mixed sheep from 3.4 to 6.2 pounds. The second breeding with Merinos trebled the output of wool. Bred with Southdown sheep, the output of wool was increased to 4.5 pounds and, with Shropshire, to 5.9 pounds.

The export trade in animals and animal products is bound to grow rapidly as modern breeding methods become more widely practiced. According to statistics compiled by the Research Office of the South Manchuria Railway Company, the principal exports of these products from the three ports of South Manchuria in 1922 were as follows:

Cattle (number)	2,330
Wool, hair and feathers (lbs.)	4,555,000
Bristles (lbs)	798,000
Leather, hides and skins (value)	$ 317,060
Horns and teeth (lbs.)	106,400
Bones (tons)	9,000
Poultry (number)	127,900
Eggs (dozen)	141,500

Doc 203-B-2

(2) FORESTRY

Distribution of forests--In South Manchuria, the foot of the Changpai Mountains, along the upper reaches of the Sungari, the Hutan and the Tumen rivers and also the upper parts of the Yalu and the Hun are densely wooded; while in North Manchuria, the districts about Hailin on the Eastern Section (between Harbin and Pogranichnaya) of the Chinese Eastern Railway and about Sansing in Kirin Province are the principal forest lands. Mongolia is a vast plain consisting of level land grown with grass and dotted with dunes. Nothing like a forest can be seen.

The forest areas are estimated as follows:

a. On the right bank of the Yalu and along the Hun River--1,600,000 acres with 6,900,000,000 cubic feet of timber.

b. On the upper parts of the Sungari, the Hutan and the Tumen--4,800,000

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Recent estimates of the live stock in Manchuria and Eastern Mongolia gave the following figures: horses, 2,500,000; mules, 600,000; donkeys, 600,000; cattle, 2,200,000; sheep and goats, 2,600,000, and swine 6,300,000. Nearly every farmer keeps a few domestic fowls. The total number was estimated at about 9,000,000 a few years ago, but it is impossible to give such figures with much exactness.

The horses are principally of Mongolian breeds, rather undersized, but with great endurance. Mules, unknown in Japan, have long been bred in China. They command higher prices than horses. The donkeys are used in farming and hauling.

The cattle are of Korean, Shantung, Manchurian and Mongolian breeds. The Chinese keep cattle as draft animals, and the Mongolians for the milk they yield, the beef being regarded as a by-product. The cattle in South Manchuria and Inner Mongolia have not been properly bred, and there is a great opportunity for improving the different breeds by the mixture of foreign stock. The same is true of sheep and pigs. The native sheep give only about three pounds of wool. With the recent development of the woolen industry in Japan, both wool and goats' hair have been exported in considerable quantities. In south Manchuria goat raising takes the place of sheep raising among the Chinese. Pigs' bristles are exported for brushes. The South Manchuria Railway Company, through its agricultural experiment stations, is importing American and British stock, and in time Manchuria may be expected to develop into one of the finest grazing countries of the world. Crossing the native sheep with Merinos has increased the output of wool of two-year-old mixed sheep from 3.4 to 6.2 pounds. The second breeding with Merinos trebled the output of wool. Bred with Southdown sheep, the output of wool was increased to 4.5 pounds and, with Shropshire, to 5.9 pounds.

The export trade in animals and animal products is bound to grow rapidly as modern breeding methods become more widely practiced. According to statistics compiled by the Research Office of the South Manchuria Railway Company, the principal exports of these products from the three ports of South Manchuria in 1922 were as follows:

Cattle (number)	2,330
Wool, hair and feathers (lbs.)	4,555,000
Bristles (lbs)	798,000
Leather, hides and skins (value)	$ 317,060
Horns and teeth (lbs.)	106,400
Bones (tons)	9,000
Poultry (number)	127,900
Eggs (dozen)	141,500

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(2) FORESTRY

Distribution of forests--In South Manchuria, the foot of the Changpai Mountains, along the upper reaches of the Sungari, the Mutan and the Tumen rivers and also the upper parts of the Yalu and the Hun are densely wooded; while in North Manchuria, the districts about Hailin on the Eastern Section (between Harbin and Pogranichnaya) of the Chinese Eastern Railway and about Sansing in Kirin Province are the principal forest lands. Mongolia is a vast plain consisting of level land grown with grass and dotted with dunes. Nothing like a forest can be seen.

The forest areas are estimated as follows:

a. On the right bank of the Yalu and along the Hun River--1,600,000 acres with 6,900,000,000 cubic feet of timber.

b. On the upper parts of the Sungari, the Mutan and the Tumen--4,800,000

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acres with 26,000,000,000 cubic feet of timber.

c. In the Eastern Section (between Harbin and Pogranichnaya)--6,000,000 acres with 18,500,000,000 cubic feet of timber.

d. In Sansing district--13,000,000 acres with fifty-two billion cubic feet.

e. As to the forests in and about the Hingan Mountains, no data can be obtained, except that in the districts within a radius of about 30 miles around Horgo and Hingan Stations, the average timber asset is put at about 1,300 cubic feet to the acre.

Forest conservation--Manchuria needs afforesting in many places. Hills and mountains now barren but capable of being covered with fine forests for the benefit of the people, both from an economic and hygienic point of view, are visible everywhere. This is especially true in Kwantung, which is mountainous, yet with few trees on the mountains. The only trees in that region, when the administration was handed over to Japan, were a few willows and elms near villages and tombs. Nursery gardens were established at Port Arthur, Dalinchow and Dairen, to supply saplings for afforestation undertaken by the Government. Several billion young trees have been planted annually for the last several years.

The Fushun Colliery has instituted a very extensive program of afforestation to provide timber for the mines. It is estimated that 54,000 acres must be planted with 120,000,000 trees, and the program calls for the completion of this plan in a period of thirty years. In the first year, 1919, an area of 930 acres was planted with 2,000,000 young trees, and at the same time 44,000,000 sprouts were started in the nursery fields.

Also, to encourage the general public in this useful undertaking, forest lands are rented free of charge to those desiring to afforest them, and seeds and young plants are supplied to them. Regulations have also been published for the protection of forests. These measures have had the desired effect, and, with the increase in the interest taken by the public in the matter of afforestation, many nursery gardens owned by villages have been formed.

Varieties of trees--About 3000 kinds of trees are known in Manchuria, but the principal varieties number about 20. About 40 percent of the forests are conifers, and 60 per cent broad-leafed trees. Korean pines are the most common conifers. They are frequently from four to five feet in diameter, reaching a height of more than one hundred feet. Oaks, elms and poplars are the most common broad-leafed trees.

Timber industry--As timber markets, Kirin and Antung come foremost, followed by such consuming centers as Harbin, Changchun, Mukden and Dairen. Kirin andAntung come foremost, followed by such consuming centers as Harbin, Changchun, Mukden and Dairen. Kirin haslong been a timber center. Along the eastern section of the Chinese Eastern Railway, the railway management and Russians and Chinese have had railway sidings built to their lumber yards and are operating saw mills. Both Kirin and Yalu timber is carried down the rivers

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(3. FISHERIES

Salt water fisheries--With the Yellow Sea to the east and Gulf of Pechili to the west, and a coast line of 500 miles, the Leased Territory of Kwantung offers an ideal field for the fishing industry. The annual catch is placed at about 25,000 tons, valued at some $ 600,000. The catch includes tai, cod, swordfish, guchi, sawara, sole, flounders, suzuki(bass), shark, nibe, sardines, shirasu, cuttlefish, octopi, sea-slug, oysters, carfish, prawns, lobster, crabs, whales, seals, etc.

The whale-fishery about Haiyangtao Island, near which the naval battle took place in the Chinese-Japanese War, is undrtaken almost exclusively by the Oriental Whale Fishry Company. The catches are forwarded to Shimonoseki. Seals are captured on the Ice-floes in the north of the Yellow Sea and also in the north of the Gulf of Pechili when the ice in the coast-waters breaks up on the return of spring.

Encouragement of fisheries--For the benefit of the fishing community the Kwantung Government established an experimental station for fishery products

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in 1908 at Rokotan, about a mile south of Dairen. The station is provided with factories, fishing gear, store rooms, warehouses and drying chambers, and also with boats to undertake experimental fishing and explore the adjacent seas. There is also an association organized to protect and develop the common interests of the fishing community.

Fresh water fisheries--Fresh water fisheries are extensively conducted in all large rivers, notably in the Liao and Yalu in the south, and the lower reaches of the Sungari and its tributary, the Murka. The fish consist mostly of salmon, salmon trout, carp, eels, etc. The Sungari also produces pearls. At one time no fewer than 7,000 to 8,000 pearls annually are said to have been taken from that river in the neighborhood of Kirin.

Doc 204-B-4 (4) MINING

Development of mining--Mining in South Manchuria is of remote origin. Local tradition declares that the coal mine at Fushun was worked as early as the twelfth century, buts its working was prohibited by the founder of the Manchu Dynasty from a superstitious belief in fengshui (Spirit of Nature). There were evidently some other mines once worked. But, except for some conspicuous ones, traces of their working have been entirely effaced by the elements, particularly by the landslides caused by the indiscriminate felling of trees. It seems that most old mines were discovered during the course of this general deforestation, but this same action doomed the face of the mines thus discovered, since it deprived them of the wood indispensable in mining. Even after the removal of the prohibitory law, every possible obstacle was laid wittingly or unwittingly in the way of mining exploitation.

Mining in the modern sense was first introduced into the country by the Russians when they, jointly with the Chinese, undertook to work the Fushun coal mine. But real progress in the industry began with Japan's succeeding to the Russian privileges and handing them over to the South Manchuria Railway Company to be worked.

Principal Mines--Chinese authorities have listed some 600 places where minerals are located in Fengtien and Kirin Provinces, of which 213 are coal, 26 iron, 234 gold, and the remainder silver, copper and lead.

Gold---Before the introduction of foreign capital for the development of Manchuria's mineral resources, gold was the only metal extensively mined. Manchurian gold is mostly alluvial, and so can be mined with a very small capita Naturally, all the river beds containing gold dust have been ravaged by gold hunters, and in South Manchuria it is only in these worked-out beds that alluvial gold is now collected. Extensive traces of such mining are found in and around the regions of Hsingking, Tunghua and Huanjen. It is asserted by experts that the alluvial gold of those regions came from gneiss, which is abundant everywhere in Manchuria, and which always contains some gold. Beaten by the weather, the gneiss disintegrated little by little, freeing the gold it contained, which, washed by the rain, deposited itself in the river beds. The most extensive alluvial gold deposits in South Manchuria are found in the tributaries of the Yalu and the upper reaches of the Sungari. In Heilungkian Province there are many gold fields where ore is still obtained in considerable quantities. Chiapikou in Kirin Province was famous for its gold sands years ago and it is believed that there are still rich veins to be mined.

Iron--Next to coal, iron is the most important mineral product of Manchuria. It exists mostly in veins in metamorphic rocks, and the best veins are generally found in northeastern Manchuria along the Yalu. These were worked by the natives on a very small scale. The ores are generally hematite, and thou the percentage of iron they contain is not large, being generally about 40 per cent, they are sufficiently rich to be worked with advantage. Two mines stand out prominently, Penhsihu and Anshan. The latter,with 200,000,000 tons of ore reserves, is being developed by the South Manchuria Railway Company in conjuncti with its new Anshan Steel Works.

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VI. THE OPEN ROAD IN MANCHURIA

Manchuria is easy of access to the travelers and business men of the world. Beauties of scenery, as wonderful as anywhere in Asia, lure the European and American to this far country. Not only is Manchuria the scene of amazing developments, new cities, modern industries, scientific achievements and vast agricultural areas, but there is in this old Land of the Manchus a wealth of unforgettable beauty. The cities have a twofold charm. Adjoining the principal age-old Chinese towns there have arisen modern cities, thus providing the traveler not only with the delights of ancient Oriental life and scenes but making it possible to live while there as he would live at home.

Dairen, on the Yellow Sea, the wonderful new city of Manchuria, has been described in earlier chapters. Changchun, at the northern terminus of the railway, has been called the melting pot of Manchuria, and through its streets still drive the old Russian droshkies, mingling with the spike wheeled Peking carts, rikishas and the latest models of Western motor cars.

Mukden, about midway between Dairen and Changchun, is the greatest point of historical interest in Manchuria. From this city in 1644 the first Manchu emperor of China moved his capital to Peking. Within the massive walls of the ancient city the natives live today in much the same way as they have lived for hundreds of years. The teeming streets give a vista of shops, gateways, Chinese theaters, drum towers, temples and palaces. Beyond the walls, in the surrounding forests, stand the historic and magnificent tombs of the emperors of the Manchu Dynasty, China's last imperial line.

Numerous other cities, each with its special claim to the traveler's interest, are reached by the South Manchuria Railway. Manchuria is not all cities, nor all prairies, nor all soya bean fields. Mountains with foaming rivers, ancient temples and fairy-like groves form a background for historic hot springs famous for their curative waters. Along the Yellow Sea charming seaside resorts, unrivalled in the Orient, are known to all Western residents in the Orient and are now beckoning to the tourist passing through the East.

Hoshigaura, or Star Beach, is a seaside resort twenty minutes by motor from Dairen. A modern summer hotel and picturesque bungalows attract many visitors who enjoy the excellent bathing, tennis and golf of this charming spot.

Ogondai (Port Arthur) is a beautiful beach resort, with pine-clad hills, a historic battlefield, cozy bungalows and a comfortable hotel. An old fishing village adds interest, and little tea houses perched on the cliffs enchant the eye.

The Hot Springs at Hsiungyuechong are of great medicinal value. Excellent hotel accommodations are offered to the traveler who takes the cure at this beautiful resort.

At Chienshan, or "The Thousand Peaks," the beautiful mountain range south of Mukden, cluster Buddhist and Taoist temples where the traveler may find hospitality and enchantment while visiting at the Hot Springs. The green ridges are broken with cataracts and traced with alluring roads where walking and horseback riding offer many delights to the traveler. A day or night spent at any of these temples is a page out of China's mystic and gorgeous history.

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Springs have been greatly developed, and a beautiful Japanese style hotel with American improvements welcomes the visitor.

Wulungpei, called the beautiful spa, is in a mountain valley near Antung. These historic springs have been modernly developed and scientfifically tested, and found excellent for cases of rheumatism. A modern and comfortable hotel is part of the attraction.

Education--In 1907 there were but two elementary schools, one for Japanese children at Liaoyang under the Y.M.C.A. and one for Chinese children at Chenkingsai established by the Buddhist Mission. Today the South Manchuria Railway Company maintains 25 elementary schools for Japanese and 13 for Chinese children; 44 schools of practical courses, 11 of them for girls; 2 girls' high schools; 2 commercial schools; 2 high schools; an industrial college; a school of mining; a medical college; and 20 kindergartens and playgrounds. In addition to these schools there are 2 main libraries, 19 branch and 210 circulating libraries, and other educational institutions.

There is no discrimination between Chinese and Japanese scholars, although divisions of schools and classes are frequently necessary, owing to the difference in language. The total number of pupils in the schools maintained by the railway company is in the neighborhood of 15,000.

Elementary education, to reach all classes and spread its civilizing power over a country, must be compulsory. But to force such education on the Chinese, steeped in centuries of their own traditions, was not an easy problem.

The South Manchuria Railway Company has followed a policy of making education so attractive that people would practically beg for it. The company provides passes on the railroad for the school children and regulates the time schedule in order that trains may stop at places where there are schools outside of regular station areas. By these special arrangements and by the establishment of dormitories in different schools, there are hardly any children who cannot attend school.

The study of the Chinese language is encouraged and Chinese is taught not only in elementary schools, but in all of the vocational schools.

The high schools are crowded with earnest students. The Mukden high school, established in 1919, is growing in popularity among the young residents of the old Manchurian capital. It admits graduates of the Chinese grammar schools and has preparatory courses for the South Manchuria Medical College.

Two commercial schools, one at Changchun and the other at Yingkou, are educating both Japanese and Chinese pupils in business principles. Connected with these schools is the Fushun Mining School. In all of these schools, from primary to college, physical development and sports of all kinds are encouraged.

As soon as the educational institutions for Chinese children were established in 1911, the railway company sent three teachers to Peking and Mukden for a period of two years, to make them more familiar with the customs and manners of the Chinese. Since that time teachers have been sent every year to Peking. In 1913 the teachers' training school was established; its name was changed in 1915 to the Educational Research Institution.

The South Manchuria Medical College in Mukden has a twofold mission in Manchuria--first, to supplement the general plan for bringing sanitation and health into Manchuria and Mongolia, and, second, to afford both Chinese and Japanese youth the opportunities of a modern education in medicine and surgery. At first no tuition was charged, but now a nominal fee is charged the Japanese students, and many scholarships are awarded each year so that ambitious youths may have an opportunity to take the course. All students are required to live in the college dormitories.

Religious education is provided by many of the Christian denominations who have taken an active interest in the school program of the railway

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company. Sunday schools and kindergartens are numerous. Japanese Christian institutions in Manchuria and the neighboring districts are increasing in number.

The hospital at Dairen has been made a model institution, comprising nine scientific departments. Construction of a fine new hospital building to cost ¥1,500,000 was begun in 1923. Besides the regular patients which the Dairen Hospital can take care of, there is a clinic for outside patients. There is a medical college, established in 1911 at Mukden, where doctors for these hospitals and medical stations are trained.

The Japanese Red Cross also maintains a number of hospitals throughout Manchuria and Mongolia. Some of these are situated where they may benefit most the poorer and more illiterate class of Chinese; and in Dairen and Port Arthur there are special hospitals for contagious diseases and for women patients.

In most of these institutions a scientific course in nursing is given and in some a school of pharmacy is also conducted for the benefit of those seeking such knowledge. These hospitals are open to everybody in Manchuria and thousands of people who never before were reached by science flock to their doors.

In addition to the hospitals, the company maintains public physicians, who, while practising on their own account, have been appointed to guard against the outbreak and spread of infectious diseases, to make investigations of epidemics, etc., in the interest of public health and to spread, as much as they can, the knowledge of hygiene and sanitation throughout the districts where so many of the natives have never before realized the necessity even for cleanliness. Such competent medical men are scattered throughout the Leased Territory, in the big cities, in the old Chinese towns, and outside of the railway area they administer medical relief.

Nothing is left undone toward safeguarding public health in the Kwantung Peninsula. The public health department has charge of the yearly vaccination of the inhabitants, which is done without cost. The record in health, resulting from vaccination, is improving every year.

Epidemic diseases have been a difficult problem. The Chinese and Kwantung Governments, the hospitals, medical stations and doctors under the control of the railway, and the Quarantine Bureau, have all worked to check such epidemics and to protect the people of Manchuria from their ravages. The Quarantine Bureau has been particularly effective in its work in the ports and along the waterfront, transferring any infected people to hospitals or keeping them in quarantine. All of these organizations are cooperating in a warfare on Manchurian flies, and are attempting thus to exterminate that method of disease communication.

The Kwantung Government also inspects drinking water throughout the district. The South Manchuria Railway Company, through its inspectors from the Central Laboratory at Dairen, inspects the water along the railroad line once a month, and all well water throughout the Railway Zone is examined twice a year. It also inspects all meat.

All the schools have assigned to them school physicians, and there are visiting oculists, dentists and nose and throat specialists who also guard the health of the school children of Manchuria. This system of inspection, advice and treatment is carried into the railway works, factories and mines.

Manchuria, with its modern railway system, is now easy of access from Japan and from other parts of China. World travelers now include it in their Oriental tours.

The shortest route between Tokyo and Peking, the two great capitals of the Orient, is by way of Chosen (Korea) and Manchuria, where the comforts

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of the South Manchuria Railway make traveling additionally attractive. From the old Manchu capital, Mukden, south to Tientsin, Peking, Nanking, and other cities, the Peking-Mukden Line, and the Peking-Pukow Line (Chinese Government Railways) offer excellent transportation. From Peking, the Peking-Hankow Line and the Shanghai-Nanking Line connect with Hankow and Shanghai, and the Peking-Suiyuan Line runs to Suiyuan and the world famous Great Wall of China. From Dairen, there are delightful sea trips to Tientsin, Shanghai, Tsingtao, and Hongkong. From Changchun, the Chinese Eastern Railway (which forms a part of the Trans-Siberian Route) takes the traveler north to such points as Harbin, and from there either to Vladivostok on the east or to Manchuli on the west on the way to Moscow and Europe.

The Chosen State Railways, which take the traveler from Antung, Manchuria, on the west, through Chosen to Fusan on the Korean Straits, are operated by the South Manchuria Railway Company. From Fusan a ferry steamer carries the tourist to Shimonoseki in Japan, and from there, via the Japanese Government Railways, one may reach any part of Japan--Nagasaki on the south (where a steamship line connects with Shanghai and Hongkong), or northward to Osaka, Kobe, Kyoto, Tokyo and Yokohama.

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III. DEVELOPMENT OF MANUFACTURING

The new industrial era--Prior to the building of the South Manchuria Railway the Chinese in Manchuria were engaged almost entirely in agricultural pursuits, or primitive manufacturing industries based on agriculture. They pressed oil from soya beans for food and light, ground their meal and flour, distilled native drinks, made coarse silk, wove baskets and produced other necessities of life as a by-product of farming.

But within a very few years, with the coming of American locomotives, steam shovels, mining machinery and electric generators--all the varied labor saving machines of the modern industrial era--a great change has taken place in this ancient land of the Manchus. Millions of foreign capital, largely from Japan, have poured into Manchuria to be used in developing her rich stores of raw materials, and in establishing new industries for their utilization. The South Manchuria Railway Company since its establishment has purchased in America more than $75,000,000 worth of railway equipment and materials, and machinery for mining, steel-working and other industries.

The industrial development of Manchuria along modern lines is being fostered by the South Manchuria Railway Company through the Central Laboratory, the Geological Institute, the Agricultural Experiment Stations, the Bureau for Economic Research, and other similar organizations.

Dairen is the leading industrial center of Manchuria as well as its principal port. Other important manufacturing cities in Kwantung Province and the Railway Zone are Mukden, Fushun, Changchun, Anshan, Penhsihu, Tiehling and Antung.

In North Manchuria and along the line of the Chinese Eastern Railway are a number of important factories, including flour mills, bean mills, breweries, beet sugar mills and lumber mills.

Bean oil and bean cake--Bean milling ranks foremost in Manchurian manufacturing industry. Since ancient times the Chinese have used the oil of the soya bean as food and a source of light, but only within the last few years, since the South Manchuria Railway Company inaugurated its campaign of industrial development, has the soya bean and its varied products become of importance in world trade.

Native yufang, or oil mills, are found everywhere in Manchuria, and in these the beans are ground by power furnished by mules or donkeys and the oil is expressed by hand labor. The residue is bean cake. The Japanese introduced power presses, driven by steam, electric, gas and water power, and most of the modern mills are of this type.

A much more efficient method has lately been developed through the research department of the railway company. This is the chemical extraction method. The beans are soaked in benzine until the oil is dissolved. Then, by heating the compound, the oil is separated from the benzine. By this method nearly all the oil in the beans is extracted, and not only is there no waste of oil, but the residue, in this case not in the form of cake but meal, is better fitted for fertilizer. By the expression system, 133 pounds of beans give about 12½ pounds of bean oil and two pieces of bean cake each weighing 61 pounds. By the chemical extraction system the same amount of beans usually gives 17½ pounds of bean oil and 106 pounds of bean meal. The new method is employed by Suzuki & Company, in Dairen, which firm operates the largest bean mill in Manchuria. Yingkou was formerly the center of bean milling in South Manchuria, but Dairen is now far in the lead, with 82 mills.

The Chinese have used bean cake largely as cattle feed and very little as fertilizer. But recently the cake has found a growing market in Japan and China as a fertilizer as well as cattle feed.

To facilitate the shipment and marketing of soya beans the South Manchuria Railway Company has organized a "mixed storage system." Beans are classified

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at receiving points, and receipts, negotiable at the bank, are issued, which call for the delivery of like quantities and qualities at terminal points.

Flour milling--There are two kinds of flour mills in Manchuria called respectively mofang and huomo, which literally mean "grinding house" and "fire mill." The former is the native mill which, employing two to ten coolies and four to twelve donkeys, conducts the work on a small scale. This kind of mill is found all over Manchuria, and constitutes the local manufacture next in importance to distilling and oil milling. However, mills of this kind are mostly conducted as a side line by grain merchants, distilleries and oil mills. The "fire mill" is the mill provided with modern machinery to which steam or electricity is applied as the motive power.

Flour mills planned on an extensive modern scale in South Manchuria have come into existence under Japanese management since the close of the Russo-Japanese War. The Manchuria Flour Mill at Tiehling was the first of the kind to be founded. Since then other mills have been established at Mukden, Changchun, Kaiyuan, Kirin and Dairen. The more important mills and the greater number of them are operated by Japanese companies. The largest of these is the Manchurian Flour Mill Company, with mills at Harbin, Changchun, Tiehling and Mukden. Chinese and Russian companies have a number of important mills, chiefly in North Manchuria. During 1919, 1920 and 1921 more than 500,000 tons of Manchurian wheat was exported to Europe, but this was an unusual movement due to special trade conditions. Normally, Manchuria has an import balance of flour.

Beet sugar--One of the newest industries in Manchuria is the manufacture of beet sugar. An experimental farm was established outside Mukden in 1906, and it was shown that sugar beets could be successfully raised in Manchuria, but the industry was not established until the South Manchuria Railway Company had conducted successful experiments in 1913-1914. The formation of the South Manchuria Sugar Refining Company at Mukden in 1916 by Japanese capitalists followed. The Russians had previously built a factory near Harbin, and a Chinese factory had been established at Hulan, also in North Manchuria. The Mukden refinery was opened with a capital of 10,000,000 yen, and has been a great success. Beets are cultivated over an area of several thousand acres, supplying the refinery during the winter months. Crude sugar is imported for refining during the remainder of the year.

Distilling--The distilling of beverages for domestic consumption has always ranked as an important native industry in Manchuria. The liquors used by the Chinese are chiefly shumshu (sorghum alcohol), distilled from kaoliang, and huangchiu, made from millet. The distilling of kaoliang spirit is native to Manchuria. The grain is mashed and steamed, and there is added to the mash barley malt or bean malt, and a small quantity of wheat or corn. The cask is buried in the ground for some days and left to ferment, after which the contents are distilled. The product is similar to whiskey. Mukden and Liaoyang are the centers of the distilling industry.

Brewing--From barley and hops raised in Manchuria, beer is now being made. The fermenting of sake from rice has also been undertaken at various places.

Wild silk--The greater part of the wild-silk cocoons produced in Manchuria have been exported, and Chefoo in Shantung, a center of the silk industry, has reeled much of the Manchurian silk. Small wild-silk filatures are operated by many Chinese farmers in Manchuria who use very primitive methods. The tussah silk produced by the natives has not been of good quality, and the Dairen Central Laboratory for some time has been devoting much attention to improving the manufacturing methods. As a result, the industry has been developing, especially in Antung. Silk spinning should eventually be one of the largest Manchurian industries.

Iron and steel--One of the most ambitious undertakings of the South Manchuria Railway Company has been the building of the steel works at Anshan, to utilize the ore of the Anshan iron mines. Since 1917, when the work

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was inaugurated, the development of this plan has gone steadily forward. Millions of dollars' worth of modern equipment and machinery has been imported, and the installation has been made under the most approved engineering practices.

Blast furnace No. 1, with a capacity of about 350 tons a day, was completed in 1918, and the furnace was lighted in April, 1919. Blast furnace No. 2 was completed in 1920, with a daily capacity also of about 350 tons. Two batteries of coke ovens (one battery consisting of 40 ovens), together with the coal washing system, were finished and brought into service early in 1920. Two more batteries were added in the following year.

The South Manchuria Railway Company has recently set aside several million dollars more for the further development of this plant to handle the large deposits of low-grade ores. Employees of the Anshan works number about 2,300 Japanese and Chinese. An enterprising new town has been developed in what was a wilderness a few years ago.

At Penhsihu another steel works is in operation by a company composed of Chinese and Japanese. It draws its ores from Miaoerkow, 24 miles away.

Chemical industry--Notable progress has been made in the development of the chemical industry, as a result of the research work of the Dairen Central Laboratory, and the future holds out great possibilities and opportunities.

As Fushun coal was found to contain a high percentage of nitrogen (1.6 per cent), a gas producing plant was installed in 1914 to recover the ammonia. A second was put up in 1917, and more recently, a third. Coal tar, ammonium sulphate, sulphuric acid, calcium carbide, calcium cyanide and other chemicals are produced. Two sets of sulphuric acid plants have been installed.

Installation of thirty sets of by-product recovery coke ovens has been completed at Fushun. These are now producing about 100 tons of coke a day.

Cement--The ever-increasing demand for cement in Manchuria, North China and Eastern Siberia on the one hand, and the abundance of the material necessary for its manufacture, limestone and clay, on the other, induced the Onoda Cement Company of Japan to establish a branch factory in the small town of Choushuitzu, a suburb of Dairen, as early as 1907. The factory is ideally situated, the limestone being obtained from the hills right behind it and the clay in the field just in front, and a line of railway has been built to connect the factory with the railroad. The factory output consists of cement, paving bricks and building bricks. At Choushuitzu is also located the Dolomite Cement Company, and there is another cement plant at Mukden.

Glassware--With plenty of siliceous rock at hand, glass-making has been stimulated by the Ceramic Experimental Institute at Dairen, and progress is being made in the commercial development of the industry.

Pottery--The pottery division of the Ceramic Experimental Institute was transferred to the China Ceramic Company in 1920. Other pottery factories have been started in Mukden, Dairen, Kungchuling and Choushuitzu, and in addition there are a number of kilns engaged in making fire-brick. Yulchai, in Kirin Province, has long been a pottery center.

Lumber--Many sawmills are now in operation at Antung, near the mouth of the Yalu, and at Kirin on the Sungari River. On account of the nature of the industry, lumbering is conducted mostly under joint Chino-Japanese management.

Other industries--Along the lines of the South Manchuria Railway many new industries have been started since the extension of modern transportation facilities and the opening up of new sources of basic raw materials.

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The railway is fostering this industrial development through its research work, a description of which is given in Chapter V. Among other Manchurian industries brief mention may be made of the following:

Starch is made from beans, kaoliang, corn and potatoes.

Smoking tobacco is manufactured in the Yingkou and Mukden factories of the East Asia Tobacco Company. Smaller tobacco factories are also located at Mukden, Dairen and Changchun.

Hard oil, stearine, glycerine, gelatine and soap are made from soya bean oil. Animal and vegetable oils are also used in various other manufactures. Noodles are made from soya beans for the South China and the South Seas trade. Imitation rice is made from kaoliang.

The cereal kaoliang, as a result of research work of the South Manchuria Railway Company, has been made useful in many ways. Calcium lactate is an important by-product. Lactate acid is made from the calcium lactate and is used extensively in fermentation, dyeing, tanning and other industries. The manufacture of paper from kaoliang pulp is another growing industry. The pulp closely resembles wood pulp and makes an excellent grade of paper. From the ash of kaoliang stalks potassium salts are obtained for use in the manufacture of glass, medicines, fertilizers and other products.

Several companies are engaged in the manufacture of bags and other products from hemp and jute. Soya beans are handled mostly in bags, hence there is a large demand for them and many are imported.

Boat building and repair work are undertaken by the South Manchuria Dock Company at Dairen and Port Arthur.

Railroad car and engine shops, equipped with the best American machinery, are operated by the South Manchuria Railway Company at Shakako (now a part of Dairen) and Liaoyang.

Among other Japanese enterprises may be mentioned the manufacture of matches, gunpowder, fertilizer, dye-stuffs and wickerwork.

Paper mills at Kirin, Kiaoyang and Petuna, and dyeing and weaving works at Yingkou, Liaoyang and Chinchow are among the native industries.

Industries based on wool and leather have been recently started. Hides, bones, wool and other animal products are exported in considerable quantities.

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Excerpt from "MANCHURIA-
Land of Opportunity"

IV. COMMERCE AND FINANCE

(1) Foreign Trade of Manchuria

An economic miracle--The American traveler in Manchuria today, who rides in comfort in a Pullman sleeping car behind a Baldwin locomotive, over 100-pound Pittsburgh rails; from the modern port of Dairen, with its beautiful plaza, and its great modern banks, business houses and public buildings; and then northward through cities lighted by electricity, with modern railway stations, paved streets, modern hotels, schools, hospitals and scientific laboratories; past modernly equipped steel works, coal mines and factory buildings--with such a magic transformation before his eyes the traveler finds it difficult to believe that only a few years ago this country was a forbidden land to world commerce.

Trade was a business of the lowest caste of Chinese and particularly in Manchuria, as the Manchu Dynasty forbade the desecration of their homeland by the Southern Chinese. Manchuria was connected with Shanghai, the economic center of China, for the first time when the port of Newchwang (now Yingkou) was opened to trade by the Tientsin Treaty (1858) between England and China. But it was half a century later before Dairen, Antung and the other ports of Manchuria were opened to the trade of the world.

A very slow development of Manchurian trade followed the opening of the port of Newchwang. It was not until 1900 that the Russians began the construction of the Chinese Eastern Railway, which was to give them, in connection with their Trans-Siberian line, an outlet on the Yellow Sea at Port Arthur. But the real awakening of Manchuria came with the Russo-Japanese War of 1904-5 and the taking over of the southern portion of the railway line by the Japanese in 1907 under the terms of the Treaty of Portsmouth. Since then Manchurian commerce has grown tremendously.

The gateways of Manchurian trade are Dairen, Yingkou, Antung and Vladivostok. Of these four, the port of Dairen has made the most conspicuous progress. It has now outstripped Tientsin, and leads all other Chinese ports except Shanghai in volume of foreign trade.

Growth of the Port of Dairen--The growth of Dairen as a shipping port is indicated in the following table, showing the number and tonnage of vessels arriving at the Dairen wharves:

Vessels Arriving at Dairen

	No. of Vessels	Gross Tons
1908	1,357	1,829,921
1909	1,390	2,238,707
1910	1,542	2,410,885
1911	1,608	2,662,943
1912	1,865	2,372,122
1913	2,117	3,556,250
1914	2,200	3,838,078
1915	2,113	3,461,530
1916	1,942	3,095,257
1917	2,019	3,118,715
1918	2,516	3,473,397
1919	2,891	4,380,920
1920	2,942	4,864,904
1921	2,806	5,697,784
1922	3,171	7,779,506

Before the European War the American flag was rarely seen in the port of Dairen, but after the war there was a large increase in American tonnage. German tonnage ranked next to the Japanese and British before the war, reaching 307,000 tons in 1913. Ocean steamers entered and cleared at the Maritime Customs at Dairen under general regulations in 1922 were as follows, by countries:

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Shipping at Dairen: By Countries

	No.	Tons
American	88	359,728
British	307	854,707
Danish	14	61,644
Dutch	60	260,216
French	8	11,518
German	12	45,316
Japanese	3,260	5,598,940
Norwegian	36	56,040
Russian	6	6,426
Swedish	2	9,002
Chinese	1,282	938,291
Total	5,075	8,201,828

In addition to the above, 74 foreign type sailing vessels with a tonnage of 1,291 entered and cleared, bringing the total for Dairen to 5,149 vessels of 8,203,119 tons. Entries and clearances under inland steam navigation rules totaled 645 of 214,496 tons. Such shipping in 1922 was entirely Japanese and Chinese, the latter predominating with 461 vessels of 137,674 tons. Junks entered and cleared numbered 19,552 of 1,767,207 tan (a tan, or picul, equals 133 1/3 pounds). By far the greater number of these were Chinese. The number included 225 from Korea.

Outgoing passengers at Dairen in 1922 numbered 149,775, incoming 216,756, a total of 366,531. This was more than double the total of ten years before, but was below the record of 1920, when such traffic reached the mark of 453,484. By far the greater number of these were Chinese. Foreign passenger traffic in 1922 totaled 35,842 outgoing and 40,361 incoming.

Trade figures show the extent to which Dairen serves as the gateway to Manchuria. A large proportion of its imports are for the great hinterland. This distribution of imports, including those borne by junks, is shown by the following table (in millions of Haikwan taels*), which compares the figures of 1922 with those of the three preceding years:

Distribution of Imports at Dairen

	1919		1920		1921		1922	
Imported into Leased Territory (free area) by sea -								
From foreign countries...	89.6		71.1		67.7		65.7	
From Chinese ports.....	9.8	99.4	9.1	80.2	16.6	84.3	11.4	77.1
Re-exported	10.4		10.2		7.6		6.0	
Imported by rail into Manchuria	63.0	73.4	52.6	62.8	56.7	64.3	52.8	58.8
Consumed and stored in Leased Territory		26.0		17.4		20.00		18.3

*Chinese customs returns are reported in Haikwan silver taels. The exchange value of the tael varies with the price of silver. From 1908 to 1915 the average value of the tael in United States currency was 67 cents. In 1916 it was 79 cents; 1917, $1.03; 1918, $1.26; 1919, $1.39; 1920, $1.24; 1921, 76 cents, and 1922, 83 cents.

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The value of Dairen's foreign trade has greatly increased, the total exports and imports being now about seven times as large as in 1908. The record of the maritime customs trade at Dairen, in Haikwan taels, from 1908 to 1922, is shown in the tables following:

Value of Imports at the Port of Dairen

	From foreign ports	From Chinese ports	Total imports
1908	17,215,936	3,060,713	20,276,649
1909	12,239,563	5,301,512	17,541,075
1910	18,634,071	4,081,757	22,715,828
1911	24,012,724	5,773,676	29,786,400
1912	27,069,793	7,803,390	34,873,183
1913	28,740,282	8,310,263	37,050,545
1914	28,891,565	9,002,518	37,894,083
1915	24,865,452	16,581,350	41,446,802
1916	33,358,199	19,073,167	52,431,366
1917	58,274,497	23,690,843	81,965,340
1918	66,979,626	28,622,292	95,601,918
1919	89,521,323	37,855,853	127,377,176
1920	71,040,883	22,028,602	93,069,485
1921	67,632,933	32,458,758	100,091,691
1922	65,667,395	27,331,778	92,999,173

Value of Exports at the Port of Dairen

	To Chinese ports	To foreign ports	Total exports
1908	5,069,133	7,342,402	12,411,535
1909	4,435,915	22,303,444	26,744,359
1910	6,077,480	20,115,933	26,193,413
1911	9,724,395	24,006,581	33,730,976
1912	9,090,823	19,795,121	28,885,944
1913	9,298,702	29,749,041	39,047,743
1914	8,504,480	36,601,327	45,105,807
1915	15,171,438	33,714,202	48,885,640
1916	11,572,920	43,135,327	54,708,247
1917	16,163,469	47,023,741	63,187,210
1918	13,623,491	72,389,242	86,012,733
1919	7,767,101	97,243,766	105,010,867
1920	16,842,406	108,223,857	125,066,263
1921	24,217,943	97,385,479	121,603,422
1922	45,731,098	91,191,121	136,922,219

Exports and Imports: Port of Dairen

	Imports	Exports	Total
1908	20,276,649	12,411,536	32,688,184
1909	17,541,075	26,744,359	44,285,434
1910	22,715,828	26,193,413	48,909,241
1911	29,786,400	33,730,976	63,517,376
1912	34,873,183	28,885,944	63,759,127
1913	37,050,545	39,047,743	76,098,288
1914	37,894,083	45,105,807	82,999,890
1915	41,446,802	48,885,640	90,332,442
1916	52,431,366	54,708,247	107,139,613
1917	81,965,340	63,187,210	145,152,550
1918	95,601,918	86,012,733	181,614,651
1919	127,377,176	105,010,867	232,388,043
1920	93,069,485	125,066,263	218,135,748
1921	100,091,691	121,603,422	221,695,113
1922	92,999,173	136,922,219	229,921,392

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The table below shows, in millions of taels, the value of the direct trade of Dairen with foreign countries in 1922 as compared with that for the previous year and that for 1913, the record year before the World War (exports include re-exports):

Foreign Trade of Dairen: By Countries

	1913			1921			1922		
	Imports	Exports	Total	Imports	Exports	Total	Imports	Exports	Tota
Hongkong	0.41	0.77	1.18	3.37	2.79	6.16	1.75	1.93	3.68
Dutch Indies....	...	0.13	0.13	1.16	4.21	5.37	0.85	6.43	7.28
Europe	3.26	2.17	5.43	3.14	22.28	25.42	5.49	14.49	19.98
Korea	1.07	1.54	2.61	1.65	2.25	3.90	0.68	2.53	3.21
Japan	21.79	24.14	45.93	43.73	66.79	110.52	40.22	65.22	105.44
United States ..	1.45	0.13	1.58	11.92	2.50	14.42	14.90	3.96	18.86
Other countries..	0.76	1.13	1.89	2.66	0.58	3.24	1.78	0.89	2.67
Total	28.74	30.01	58.75	67.63	101.40	169.03	65.67	95.45	161.12

Dairen's export trade is largely made up of agricultural products and coal. In tonnage, soya bean products are more than half of the exports. Principal items in the export trade in recent years are shown in the following table:

Commodities Exported from Dairen (in Piculs*)

	1919	1920	1921	1922
Soya beans	8,831,164	8,451,782	8,506,632	9,205,491
Bean cake	16,639,962	17,546,748	17,944,773	18,756,834
Bean oil	1,991,933	1,858,143	1,682,541	1,507,224
Other beans	1,033,917	416,917	895,793	1,054,609
Kaoliang	879,273	1,991,083	2,850,431	8,540,418
Wheat	744,473	6,660,946	3,447,635	149,504
Corn	531,253	537,521	746,769	2,581,811
Hemp, jute and ramie	8,431	17,885	557	269
Raw wild silk	4,292	6,437	5,814	5,303
Wool, hair and feathers	30,865	12,047	6,748	27,406
Coal and coke(lg.tons)	314,213	348,876	891,008	1,694,529

Foreign trade of Manchuria--With the development of the port of Dairen, the gateway to Manchuria, the foreign trade of the country has grown apace. Three years after the Russo-Japanese War, when Dairen and Antung were opened to commerce, the total trade reached $40,000,000. In the first year after the close of the European War it had risen to nearly $500,000,000. The foreign trade returns from 1911 on are shown below:

Foreign Trade of Manchuria (in U.S. Dollars)

	Imports from foreign ports	Imports from Chinese ports	Total imports	Exports	Total trade
1911	$ 44,535,000	$ 17,937,000	$ 63,472,000	$64,924,000	$128,397,000
1912.....	56,318,000	11,976,000	68,294,000	63,972,000	132,266,000
1913.....	54,235,000	15,695,000	69,930,000	68,686,000	138,617,000
1914.....	49,572,000	12,200,000	61,772,000	59,222,000	130,994,000
1915.....	37,597,000	13,088,000	50,685,000	62,977,000	113,661,000
1916.....	65,640,000	16,655,000	82,295,000	77,919,000	160,214,000
1917.....	116,163,000	24,371,000	140,534,000	130,604,000	271,138,000
1918.....	127,293,000	42,230,000	169,523,000	149,251,000	318,774,000
1919.....	209,638,000	56,669,000	266,206,000	224,041,000	490,248,000
1920.....	156,991,000	50,923,000	207,914,000	221,518,000	429,431,000
1921.....	87,368,000	71,050,000	158,418,000	153,766,000	312,184,000
1922.....	100,612,000	54,349,000	154,961,000	198,834,000	353,795,000

*One picul equals 133 1/3 pounds

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Principal exports and imports--Manchuria exchanges her raw materials for the manufactures of other countries. She imports little raw material, and exports few manufactures. The country is still primarily agricultural, although manufacturing is rapidly developing. The soya bean is the foundation of her trade, and beans and bean products comprise about half the value of all exports. The values of the principal exports in 1922 were as follows:

Bean cakes	$52,992,000
Soya beans	45,447,000
Bean oil	13,854,000
Kaoliang	21,041,000
Other beans	3,566,000
Wheat	4,041,000
Millet	5,494,000
Flour	3,735,000
Coal and coke	11,176,000
Raw wild silk	9,331,000
Wild silk cocoons	3,143.000
Lumber and bamboo	4,979,000
Corn	5,377,000
Metals and hardware	2,458,000

Values of some of the principal imports in 1922 were:

Cotton goods	$42,006,000
Cotton yarns	13,373,000
Steel, iron and metals	7,769,000
Machinery	6,296,000
Tobacco	7,344,000
Flour	5,717,000
Bags	2,833,000
Kerosene	4,594,000
Paper	3,682,000

In addition to the above fabrics, other than cotton, clothing and accessories accounted for many millions of dollars more of imports.

Itemized statistics for the whole of Manchuria are difficult to obtain. In the Chinese customs trade returns reports of the Manchurian ports are given along with those of the other Chinese ports, no separate analysis for Manchuria being made. Japanese analyses generally do not include all of Manchuria, but only the southern part where are their chief interests. But, since the trade of the three ports of South Manchuria (Dairen, Antung and Yingkou, or Newchwang) is seen to represent between 80 and 90 per cent of the total trade of Manchuria in 1922, detailed figures for South Manchuria will give a fairly accurate picture of the trade of the entire region. The following record of the imports and exports of South Manchuria is taken from the "Trade Return of North China", compiled by the Research Office of the South Manchuria Railway Company at Dairen (values in Haikwan taels):

Imports Into South Manchuria, 1922

	Units	Quantities	Values
Cotton piece goods		.....	49,078,548
Woolen goods, and wool and cotton unions		.....	2,069,319
Silk piece goods, and silk and cotton unions		.....	210,892
Miscellaneous piece goods		.....	2,876,588
Cotton thread		.....	514,895
Cotton yarn	Piculs	362,111	16,090,108
Cotton, raw	Piculs	51,040	1,162,442
Silk cocoons, raw silk and silk products		.....	1,738,813
Miscellaneous yarns, threads, materials thereof		.....	861,426
Clothing and accessories thereof		.....	3,428,216
Rice	Piculs	393,162	1,926,236
Other cereals and seeds	Piculs	409,604	1,355,680

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Imports Into South Manchuria, 1922, cont'd

	Units	Quantities	Values
Flour	Piculs	1,421,918	6,873,002
Vegetables and fruits	Piculs	1,092,823	1,940,454
Sugars	Piculs	679,789	4,687,295
Miso and soy	Piculs	12,830	131,558
Marine products	Piculs	321,047	2,108,560
Other provisions	Piculs	.....	2,908,629
Tea		51,059	2,137,415
Liquor and other beverages		.....	2,056,999
Cigarettes, cigars and tobacco		.....	8,765,128
Cigarette making materials		.....	491,566
Furniture		.....	1,434,907
Chemical products and medicines		.....	2,912,158
Dyes, colors and paints		.....	3,392,331
Kerosene oil	Gallons	16,548,257	5,430,001
Machine oil	Gallons	1,437,587	834,638
Other oils, fats and waxes		.....	952,927
Candles	Piculs	14,062	275,953
Candle making materials		.....	469,726
Soap		.....	670,660
Matches	Gross	578,924	147,892
Match making materials		.....	205,877
Firewood and charcoal	Piculs	95,210	65,712
Coal and coke	Lg tons	23,975	206,120
Iron and steel	Piculs	1,360,586	6,226,729
Other metals and minerals	Piculs	5,197,995	1,809,179
Hardware		.....	1,329,022
Machines and machinery		.....	7,097,281
Cement	Piculs	652,817	734,606
Timber and bamboo		.....	1,469,514
Building materials		.....	699,913
Railway materials		.....	241,016
Electrical materials		.....	2,577,019
Fine art and toilet requisites		.....	1,047,422
Leather, hides, skins, bones, horns, etc		.....	3,782,690
Paper		.....	4,366,187
Books and stationery		.....	1,562,373
Glass manufactures		.....	851,097
Potteries		.....	1,521,319
Bags, gunny and others	Pieces	22,751,678	3,269,624
Sundries		.....	5,831,022
Postal parcels		.....	513,983
Grand total			175,333,657

Exports From South Manchuria, 1922

	Units	Quantities	Values
Soya beans	Piculs	11,250,809	39,164,538
Other beans	Piculs	3,052,476	3,334,133
Maize	Piculs	3,013,458	6,432,185
Kaoliang	Piculs	10,567,653	23,664,024
Millet	Piculs	2,141,985	6,591,058
Wheat	Piculs	243,521	884,612
Other cereals	Piculs	185,720	498,560
Sesamum seed	Piculs	160,866	1,091,378
Melon seed	Piculs	123,433	779,230
Groundnuts	Piculs	88,409	366,980
Other seeds	Piculs	589,371	1,712,554
Vegetables and fruits	Piculs	21,295	172,684
Flour	Piculs	37,000	204,528
Macaroni and vermicelli	Piculs	1,827	16,218
Eggs	Mille	1,698	14,227

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Exports From South Manchuria, 1922, cont'd

	Units	Quantities	Values
Marine products.....	Piculs	28,544	261,597
Smashu	Piculs	89,175	830,739
Cigarettes,cigars and tobacco		.....	1,584,687
Tea.....	Piculs	1,245	35,146
Other provisions and drinks		.....	688,307
Beancake.....	Piculs	24,658,949	58,072,138
Bean oil.....	Piculs	1,803,091	14,367,410
Groundnut oil	Piculs	837	7,282
Wood oil.....	Piculs	86	662
Other oils,vats and waxes	Piculs	66,039	377,079
Hemp,jute and ramie.....	Piculs	10,810	85,521
Cotton, raw.....	Piculs	36	851
Silk cocoons.....	Piculs	113,895	3,787,121
Silk,raw,wild.....	Piculs	18,286	11,242,321
Silk,waste.....	Piculs	10,911	848,328
Silk products.....		.....	40,935
Bristles.....	Piculs	5,850	428,914
Wool,hairs and feathers.....	Piculs	35,118	734,473
Leather,hides and skins.....		.....	381,610
Horns and teeth.....	Piculs	806	18,987
Bones.....	Piculs	139,545	171,327
Cattle.....	No.	2,330	21,865
Poultry.....	No.	127,879	8,211
Animal tallow.....	Piculs	41	510
Timber and bamboo.....		.....	5,462,017
Firewood and charcoal.....	Piculs	144,081	135,870
Coal and coke.....	Lg Tons	2,104,803	13,462,752
Other mineral products.....		.....	301,120
Chemical products and medicines		.....	1,259,042
Dyes, colors and paints.....		.....	168,340
Ginseng.....	Catties	231,061	420,356
Metals and hardware.....		.....	2,941,464
Sundries.....		.....	3,070,129
Postal parcels.....		.....	423,323
Total of Exports			207,267,748
Re-exports			
Chinese goods		.....	4,605,113
Foreign goods		.....	8,056,686
Total of re-exports		.....	12,661,799
Grand total		.....	219,929,547

Trade with the United States--A very considerable part of the overseas trade of this rapidly developing country is with the United States, because it is to America that the builders of Manchurian industries have turned for modern machinery and railway materials.

American manufacturers have found an open door in Manchuria for their products, and the return tide of Pacific traffic has brought to the United States an increasing flow of the products of the rich soil of Manchuria.

The South Manchuria Railway Company has pruchased in the United States more than $75,000,000 worth of locomotives, cars, rails and other materials, and the industries developed by it in the railway zone have imported many more millions of dollars' worth of machinery and materials.

Manchuria, as its latent resources continue to be developed by

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modern engineering and agriculture, will offer greater and greater opportunities to American trade.

The record of Manchuria's trade with the United States in recent years has been as follows:

	Imports from United States	Exports to United States
1910	$1,213,000	9,000
1912	1,444,000	4,000
1914	3,401,000	480,000
1916	1,673,000	1,724,000
1917	6,294,000	16,399,000
1918	15,324,000	35,767,000
1919	27,678,000	14,475,000
1920	15,872,000	16,514,000
1922	12,933,000	3,961,000

(2) FACILITIES FOR COMMERCE

Railways--More than 2300 miles of railway are now in operation in Manchuria. These line s are as follows:

South Manchuria Railway - 686 Miles

	Mileage
South Manchuria Railway, Main Line, Dairen-Changchun	439
Mukden-Antung Line, Suchiatun-Antung	162
Ryojun (Port Arthur Branch, Chouchuitzu-Ryojun)	29
Fushun Branch, Hunho-Fushun	33
Yingkou Branch, Tashihchiao-Yingkou	14
Yentai Colliery Branch, Yentai-Yentai Colliery	9

Chinese Government Railways - 591 Miles

	Mileage
Kirin-Changchun Line, Changchun-Kirin	79
Ssupingkai-Taonan Line, Ssupingkai-Taonan	104
Part of Peking-Mukden Line, Mukden-Shanhaikwan	261
Yingkou Branch Line, Yingkou-Koupantzu	57

Railways Under Russo-Chinese Management - 1,078 Miles

	Mileage
Chinese Eastern Railway -	
(Western Section) Manchuli-Harbin	584
(Eastern Section) Harbin-Pogranichnaya	341
(Southern Section) Harbin-Kwanchengtzu	148
Jalainor Colliery Branch Line	5

Several other lines and extensions are proposed in South Manchuria and Inner Mongolia.

Waterways--The navigable rivers in Manchuria and Mongolia are the Liao in the south, the Yalu in the east, and the Sungari and the Amur in the north. The Sungari and the Amur admit of the greatest exploitation. Before the railway was built, the Liao served as the only highway of trade in South Manchuria, but now its old glory has vanished. Some 1500 junks are in operation on the Liao and the river is still a trade channel of importance to inner Mongolia. The Yalu and Liao Rivers remain ice-bound from December to March, while the ice-bound period on the Sungari and the Amur extends from November to April.

Ocean steamship services--With the rise of the port of Dairen to second place among all the ports on the China coast, and the development of the harbor facilities for berthing ocean steamships and handling freight,

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offices of the principal Pacific shipping companies have been established at Dairen.

Posts, telegraphs and telephones--Along the line of the South Manchuria Railway, postal, telegraph and telephone systems are organized and operated by the Japanese authorities. Chines post offices are maintained in all towns outside Kwantung, in which territory the postal service is operated by the Kwantung Government. Communication facilities are constantly being improved and expanded.

Warehousing--A number of warehousing and forwarding companies are in operation in the principal towns along the South Manchuria Railway. The railway maintains warehouses and storage yards at the Dairen wharves and at the principal railway stations.

Insurance--Branches of the leading Japanese, English and American insurance companies are maintained at Dairen. Freight at the Dairen wharves is insured by the railway company, by arrangement with a number of insurance companies, and this insurance is voluntarily effected by the South Manchuria Railway without charge to the owners of the goods.

Banking--Manchuria has adequate, modern banking facilities. The great Japanese and several foreign institutions maintain branches in Dairen and other cities. In addition there are a number of local institutions.

The Bank of Chosen and the Yokohama Specie Bank are the largest institutions maintaining branches in Manchuria. They have built imposing banking houses in Dairen, which are among the finest structures facing the plaza. Besides these there are several smaller Japanese banks. The principal Chinese banks operating in Manchuria are the Bank of China, Bank of Communications and the Three-Eastern Provinces Bank. Branches of foreign banks include those of the Russo-Asiatic Bank, Hongkong & Shanghai Banking Corporation, International Banking Corporation and the Chinese-French Commercial Bank.

Currency--As in other parts of China, there are many kinds of currency in circulation.

The foreign bank notes exert a great influence, and it is mainly through them that the foreign trade of the country is actually carried on. These bank notes circulate in large amount, and within the limits of the Leased Territory and the Railway Zone are practically the sole currency. It should be noted, however, that, outside these limited places, their circulation is greatly modified, because, though they are used very extensively and freely for all trading purposes, transactions between the natives are carried on in native currency.

Trade organizations--Chambers of commerce are maintained at Dairen, Mukden, Antung, Changchun, Yingkou and other cities. At every trade center there is a Chinese guild. The Dairen organization publishes periodical reports on the trade and industry of Manchuria.

The Dairen Produce Exchange was established in 1913; in 1915 a produce and currency exchange was opened at Kaiyuan, and another at Changchun in 1916. In 1917, a currency exchange was established in the Dairen Produce Exchange, and now the produce and currency exchanges are known as the Dairen Exchange. In 1919, produce and currency exchanges were opened at Kungchuling, Ssupingkai and Tiehling, and in 1920, at Mukden, Yingkou and Liaoyang. In addition stock and merchandise exchanges have been founded at Dairen, Mukden and Antung under private management.

On these exchanges there is trading in beans, bean cake, kaoliang, bean oil, wheat, Italian millet, etc., gold notes issued by the Bank of Chosen, Russian ruble notes, silver notes issued by the Yokohama Specie Bank, Chinese small silver coins, and Chinese small silver coin notes. In Manchuria, owing to the great variety of currencies in circulation and more particularly because

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of the constant fluctuations in their exchange rates, the currencies have come to be looked upon as commodities. Because of this peculiar feature in the currency situation in South Manchuria, the exchanges are under government management; and in order to guarantee delivery and to settle accounts between sellers and buyers, a trust and guaranty company under private management is attached to each exchange.

For the purpose of providing long-term capital to develop the country, there have been organized the Oriental Developing Company, the Eastern Enterprise Company and the Manchurian Enterprise Company. These financial institutions make loans against lands and buildings.

A commercial museum was established in Tiehling in 1906. Similar institutions were opened later in Changchun, Angung and Harbin. The Kwantung Government has established the Manchuria-Mongolia Production Museum in Port Arthur.

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六 滿洲の開けた道

滿洲は世界の旅行者および實業家が容易に行ける土地である。アジアの到るところで見られるような驚くべき風景美が歐米人をこの遠い國へ誘ひ寄せる。たゞに滿洲は、目覺ましい種々の發展、新興都市、近代的な鐵道、科學上の諸業績、廣大な農業用地などを擁げているだけでなく、また、この古い「滿洲人の國」は忘れられない美に富んでである。色々な都市は二千の歷力を持つ。古い文明風の主要都市と相伍して「近代式の都市が勃興しており、それがため、旅行者はたゞに昔の東洋風の生活と風景をたしめあるばかりでなくまた他かも自分の國で生活するようにこの地でも生活することも出來るのである。

讀者に屢々述べた滿洲新興都市、大連については既に滿鐵の中に記したところである。南滿滿洲以遠の北の終點に在る長春は、滿洲の甲府は海せられ、その街路に今もなお古いロシア風の四輪馬車が、以輪の北京馬車、人力車、歐米最新型自動車の中に混じつて走る。

大連と長春の殆んど中間に位する奉天は滿洲で歷史的興味の最も大き

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い地誌である。一六四四年清朝初代皇帝が首府をこの都市から北京に移した。この古都の厚い城壁に囲まれつゝ、土着住民は今日もやはり、何百年も昔からの生活をそのまゝ続けている。多しい人通りのある街路は店舗、城門、支那風劇場、牡塔、寺院、宮殿などの景観を呈へる。城外周邊の林中に支那歴代皇帝の壮大な歴史的墓碑が立つている。

その他々の都市もそれぞれ旅行者に必らず特別の興味を感ぜさせるが、これらはすべて南満洲鉄道の沿線にある。満洲は都市ばかりでも、大草原ばかりでもない。また大豆畑ばかりでもない。岩や礫む以流のある山々、古めかしい寺院、温女のような杜などが、病気に効能ある湯が湧くのである。黄海に面して並ぶ東洋一の美有名な、歴史的温泉の背景をなしている。しい海岸保養地は東洋に住むすべての西洋人に知られており、今やそれが太洋を通る旅行者を手招きしてある。

星ガ浦（スター・ビーチ）は自動車で大連から二十分程の海岸保養地である。一軒の近代式夏季ホテルさ

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の滞在客を集め、彼等はこの魅力に富む土地の景観らしい海水浴、テニス、ゴルフなどを楽しむ。

黄金臺（旅順港）は美しい海岸保養地であつて、こゝに古戦場である松林の丘、じんまりしたパンガロー、一軒の快適なホテルがある。古い漁村がこれに興趣を添え、また近景の上に立つ数軒の小さな茶屋に恍惚させられる。

熊岳城温泉の審美的価値は大きい。この美しい保養地に滞在する旅客には優秀な旅館設備が提供される。

暖天南方の美しい山景、千山には佛教および道教の寺院が多数あつて、旅行者は温泉滞在中ここに親しみと魅力を見出すのである。緑の山の肯を刻つて瀧が落ち、人を魅するような道がついており、この辺を徒歩や馬で行けば旅行者は多くの喜びを與えられる。前記の寺院の何れかで過ごす一日乃至一夜は、神秘幽靈な支那歴史の一頁である。

千山々脈に近い安山附近の湯崗子温泉は大きな旅館設備を有する。この温泉は昔から知られていて、非常な發展を遂げており、米山式改良を

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施し、一軒の美しい日本風旅館が観光客を迎える。

美しい湯治場と呼ばれる五龍背は安東附近の谷中にある。この歴史ある温泉は近代的に開發され、科學的に設計され、リユウマチに卓効あることが發見されてゐる。その魅力の一部をなすものに快適な近代式ホテルがある。

教育――一九〇七年當時は、僅かに小學校が二校あつたに過ぎず、その一つは、日本人兒童のために遼陽でキリスト教青年會が經營していたもの、もう一つは支那人兒童のために佛教傳道會が資金を設けたものであつた。現在、滿洲以外の日本人小學校十三、補習學校四十四、女子補習學校十一、高等女學校二、中學校二、工科大學一、山學校一、農科大學一、幼稚園および運動場二十である。これらの學校の他、中央圖書館二、同分館十九、巡回圖書館二百十およびその他の教育施設がある。

支那人學生々徒と日本人のそれとの間には全然差別待遇がない。但し

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言語が異なるため学校および学級を區別することが往々必要である。以前の社経営学校の学生々徒総数は一萬五千人内外である。

初等教育は、これを凡ゆる階級に及ぼさんがためには、強制的なものでなければならない。だが、何世紀もの間自己の傳統に従つて来た支那人に對して、かくの如き教育を強いることは容易な問題ではない。

両洲鉄道会社は、教育が大いに魅力あらしめ、民族が其處に教育を進んで求めるほどのものたらしめる政策をさつて来た。同社は学校児童に対して無料乗車証を交付し、学校が正規の停車場外にある所ではその地點に汽車を停め得るようにするため運轉時間表を調節する。このような特別措置と當該学校の寄宿舎設備さにより、兒童にして通学不可能な者は殆どない。

支那語の學習は奨勵され、支那語の教授はたゞに小学校のみならず、すべての職業学校においても行なわれている。

中等教育には熱心な主唱者が集まる。一九一九年の創立に係る天中学校は、この両洲古都の若い住民の間に望望を高めつゝある。この中学校は支那人小学校卒業生の入学を許可し、両洲医科大学は併設する。

二つの商業學校（長春、營口）は實業主義により日支人共學を行ないつゝある。右の二學校と關連して撫順鑛山學校がある。小學校から大學に至るまでこれら諸學校のすべてにおいて、凡ゆる種類の體育とスポーツが奬勵されてゐる。

一九一一年、支那人兒童のための教育施設の開設を見るや、直ちに教道會社は、三人の教師を北京と奉天に二年間出張せしめ支那人の風俗習慣により一層理解せしめるようにした。それ以後毎年教師の北京出張が續けて行はれてゐた。

奉天にある南滿洲醫科大學は滿洲において二重の使命を持つ。その一つは滿鐵衛生部に對する醫療研究に關する近代的教育の機會を與えることである。

最初は授業料を徴收しなかつたが、現在は日本人學生から名目的な授業料を徴收してゐる。なほ多數の奬學金が給與されるから、志を抱く青年は學修の機會を得られる。學生は全部大學の寄宿舍で生活せねばならない。

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宗教々育は、全道全社の学校計画に積極的関心を払つて来た多数のキリスト教々派の人々によつて行はれる。日曜学校と幼稚園が多数ある。満洲及びその周邊地方の日本人キリスト教施設は其数が増加しつゝある。

大連の病院は九つの科学部門から成る模範的な施設となつてゐる。工費百五十万ドルを投ずる壮麗な病院建物の新築工事は一九二三年に着工された。大連病院の収容し得る入院患者以外に、外来患者のための診察がある。一九一一年の創立に係る医科大学が奉天にあり、同校においてこれらの病院および診療所に向けられる医師の養成が行はれる。

日本赤十字社もまた、満洲および領古の全般にわたつて多数の病院を経営しつつある。そのうち若干は、支那人中の比較的貧しく無教育な階級に最大の恩恵を及ぼし得るような地點に設けられてある。また大連および旅順には傳染病のための婦人患者のための各特別病院がある。

以上の如き諸施設の大部分は看護婦養成所を併せ有し、且つそのうち若干施設は薬学知識を求める人々のために薬学校も經營してある。これらの各病院は満洲内の凡ゆる人に開放せられているから、以前は科学の恵みを受け得

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なかつた何千人もの民衆が今や各病院の門に殺到しつつある。

會社は病院を經營する他、常備の公醫をも有してゐる。これらの醫師は各自の業務に從事する傍ら、公共保健のために傳染病發生蔓延の防止、傳染病調査等の指定を受け、また甚だ多數の土着住民が從來清潔の必要すら知らなかつたような地方に、保健衛生知識を力の及ぶ限り普及することを指定されてゐる。かかる有資格醫師が租借地全體に散在し、大都市、古い支那人町および鐵道區域以外において彼等は醫療に從事しつつある。

關東州における公共保健方策にして未だ施行されないものは何一つない保健部は毎年無料で住民に種痘を施す責任を負うている。種痘實施による保健記錄は年々向上の一途を辿りつつある。

傳染病は從來一の難問題であつた。中國政府へ、關東廳、滿鐵管理下の各病院診療所並びに醫師、および防疫局は一體となつて、かゝる傳染病の防止に努め、滿洲の民衆を傳染病の猛威から保護することに努めて來た。

防疫局はすべて感染病を病院に移すか又は檢疫所内に隔離するという方法をとることによつて、港灣および臨水地において特に效果ある業績を擧げ

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た。右の当組織は満洲鉄道の戦争に協力しつつあり、これによつてその
当局病疫介手段の過激を企てつつある。
門真蟲もまた門真州全體にわたり飲料水検査を行なう。南満洲鉄道会社は大
連にある中央試験所から派遣される検査技師の手を通じて月一回鉄道沿線の
水を検査する。鉄道附属地全體にわたり井戸水はすべて一年に二回検査され
る。会社は凡ゆる食肉類の検査も行なう。

すべての学校はそれぞれ校醫を割り當てた。医師は巡回の眼科、歯科、耳鼻
咽喉科医もあつて彼等もまた満洲の学童の健康保護に當つてある。この点本
相談、治療制度は満工場および鞍山に実施やられる。
近代的な満洲には、今や日本からも支那の他地方からも
容易に行く事が出来る。世界旅行者は彼等の太洋旅行日程中に今では満洲を
組入れる。
太洋の二大首都たる東京、北京間の最短略は四時と満洲を通ずるものである

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しかして南満洲鉄道の快適によって旅行は一層魅力あるものとなる。満洲族の古都奉天から南へ天津、北京、南京その他の都市を通る京奉線、および津浦線（中国政府経営鉄道）の輸送は優秀である。北京から京漢線（京滬線）が漢口と上海を結び、北京経遼瀋は経路を世界的に有名な万里の長城へ導する。

大連からは天津、上海、青島、香港への愉快な海の旅がある。

長春からは、南支鉄道（シベリヤ横断鉄道の一部なる）が旅客かハルビンの加き北方地点までも通じ、更にそこから南のウラジオストックへ又はモスコーおよびヨーロッパへの途次に當る、西の満洲里へと導ぶ。

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朝鮮国有鉄道は旅客を西方満洲の安東から朝鮮を従断して朝鮮海峡に臨む釜山まで通ぶ鉄道であるが、これは南満洲鉄道合社によつて運営されている。釜山から連絡船は旅客を日本国有鉄道によつて日本内地の如何なる地点にも運するごとが出来る――即ち満の長崎へ――こゝで上陸および着荷ごの統轄が連絡する――又は北へ向つて大阪、神戸、京都、東京、横浜へ。

「満洲――好奇の国」（満洲以遠ご社団、ニューヨーク、一九三四年刊）の改革。

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Appendix VI.

A REPORT

on

THE COMMUNISTIC MOVEMENTS

in

MANCHURIA

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Contents

The Communistic Movements in Manchuria

A Diagram showing the distribution of Chinese Communists in Manchuria.

An Outline of the Communistic Activities in various parts of Manchuria since the Outbreak of the Manchurian Incident (September 1931 - December 1931).

An Outline of the Communistic Activities in various parts of Manchuria since the Outbreak of the Manchurian Incident (January 1932 - March 1932).

The Communistic Activities in Manchuria

About 1917, the Communists of Russia started their campaign of Bolshefying Europe, but on seeing the difficulty of successfully carrying out their campaign at every front, they turned their activities to the east, and beginning with Persia, Afghanistan and India, they began Bolshefying the Far East about the time Siberia was subjugated by Soviet Russia in 1919, and after getting the whole of Outer Mongolia in their clutches, stretched their hand to the Kulun-

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Buyer region, and continued active in the propagation of communism along the Chinese Eastern Railway and in such places as Mukden, Yingkow, Antung and Chientao.

The Bolshefication of Manchuria, however, was anything but easy at that time owing to the strict surveillance kept by both the Japanese and Chinese authorities, and their efforts, great though they were, were of comparatively little avail, and their activities seemed for a time brought to a standstill.

The diplomatic complications of 1929 in connection with the Chinese Eastern Railway afforded the Third Internationale a rare chance to instigate their Manchuria committees to start an anti-war movement to disturb Manchuria, and when the attitude of the Chinese authorities in the northeastern provinces became infirm owing to the conclusion of the Khabarousk pact, an outcome of the Chinese North-eastern Army having been overwhelmed by the Russian army, the Third Internationale again quickly seized the opportunity to strictly order Chinese Communists to start activities, and succeeded in strengthening their battle fronts in Manchuria by bringing under the control of their Manchuria headquarters the Kaoli, Korean and other communistic bodies formed by Koreans, which had hitherto been quite independent of the Third Internationale, and went ahead with such work as labour movements, Bolshefication of young men, movements for the mutual aid of workmen, anti-Imperialistic movements, military training of communists, and the instigation of soldiers to revolutionary revolts, with the result that the red unrest became more and more apparent in many places in Manchuria.

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The Manchuria Incident occurred under these circumstances. Social unrest and disorder are the most suitable conditions for communistic campaigns to gain in, and reactionary elements and revolting soldiers are the easiest to be made a cat's paw of by the Third Internationale.

The Third Internationale, therefore, gave instructions to their committee at Harbin to the effect that Japan's advance to North Manchuria was quite incompatible with Soviet Russia's Far Eastern policy, and that the communists must use every means to force the collapse of the Japanese army by planting communistic elements among the Japanese military organs so as to cause anti-war agitation from within.

We were also informed that the Far Eastern Bolshevik military committee in Vladivostok was inviting Koreans to organize a Baltizen Army with a view to agitating the Japanese army in Manchuria

On the other hand, the reactionaries opposed to the new State of Manchuria, together with Chang-Hsue-liang's followers, in their desire to cooperate with Soviet Russia for the purpose of overthrowing the state of Manchuria and keeping off Japan, tried their utmost not only to Bolshefy these reactionary soldiers and irregulars but also to instigate the communistic young men to assassinate leading persons and officials of Japan and Manchuria, wreck the railways and attack the cities. The latest overturn of the Japanese military train and the attempt to wreck the Chinese Eastern Railway were but the few instances of their intrigues.

What was most noteworthy, however, was the fact that in January this year they established the so-called Soviet area near Hulin and

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Tumuchuan in Kirin province, and organized a red army, which fact makes us believe that the Third Internationale means to guide the movements for Bolshefying Manchuria with this area as their base, just as they do in China Proper with their area in the bounderies of Kianghsi and Hunan as their base.

Moreover, the Third Internationale tried to make their campaigns more effective by Bolshefying workmen in North and South Manchuria.

The program of their Manchuria provincial Committee speaks very eloquently of their dark intentions. The program, calling attention to the fact that the South Manchuria, the Chinese Eastern, and the Peiping-Mukden Railways were very important, that there were large numbers of workmen at Harbin, Mukden, and Dairo, and that the great mines at Fushun and Penhsihu had a large number of miners, emphasized the necessity of concentrating every available means on enlarging workmen's associations, solidifying their footholds in factories, unifying the lower classes, and putting their vanguards and overseers under arms for self-defence.

The Third Internationale also sent a large number of red officers to Harbin soon after the settlement of the diplomatic complications of 1929, and have them now working in the Chinese Eastern Railway and other institutions that they may at once take up arms in any emergency, and at present the members of the armed Russian Communistic organizations along the Chinese Eastern Railway number 5,700 and are equipped with machine guns, pistols and rifles.

It is a custom with the Third Internationale to propagate their ism first, then to form communistic organizations, and lastly when they have become somewhat influential, to start rioting, wholesale

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or local as the case may be, as has been the case in China proper, Europe and India.

In Manchuria, too, their movements seem to be pursuing a similar course.

It is now clear as daylight and admits of no controversay that the activities of the Third Internationale are not only a great menace to the peace, order and welfare of the people and the realization of the noble ideal of turning Manchuria and Mongolia into a Utopia for all nationals, but quite detrimental to the interests of Manchuria and Japan, and of all the other nations as well!

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A Diagram Showing

The Distribution Of Chinese Communists

in

Manchuria

The Chief Executive
Committee
Of Chinese Communists

(Shanghai)

The Provincial Committee
For Manchuria

(Mukden)

The Special Committee
For East Manchuria

(Yenchi)

Members are stationed in principal parts of East Manchuria

The Special Committee
For South Manchuria

(Mukden)

Members are stationed in each prefectureof South Manchuria, but their number is not definitely known

The Special Committee
For North Manchuria

(Harbin)

Three members are stationed in each prefecture of North Manchuria

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An Outline of Communistic Activities in Various parts of Manchuria Since the Outbreak of the Manchuria Incident
(September 1931 - December 1931)

Mukden	1. Manifestos and bearers thereof were discovered.
	2. Some Chinese Communists were arrested.
Haichuan	Manifestos were discovered.
Dairen	Manifestos were discovered
Kirin	Manifestos were discovered.
Harbin	1. Bombs were thrown at the Imperial Japanese Consulate-General and other buildings.
	2. Manifestos were discovered.
Chientao	Manifestos of various descriptions and programs were discovered.

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An Outline of the Communistic Activities in various parts of Manchuria since the outbreak of the Manchuria Incident
(January 1932 - March 1932)

Harbin	1. Some propagandists stole into the Northeastern provinces. 2. Orders were issued by the Moscow Government to the Committee at Harbin to take positive measures against Japan, and the Comintern instructed the Soviet organs in China to propagate anti-Japanese agitation. 3. The North Manchuria Anti-Imperialistic League held a mass meeting protesting against Imperialism, and circulated their literature. 4. Funds for propagating communism were collected from the Soviet employees of the Chinese Eastern Railway. 5. Literature protesting against the entry of the Japanese troops into Harbin and urging their ousting was posted by the Harbin Comintern. 6. Handbills protesting against the new state of Manchuria were strewn by the Chinese Communistic Young Men's League.
Various places	1. Anti-Japanese propaganda was carried on by radio, press, and every means available by the Soviet Communists. 2. A Communistic organ was formed and a campaign for the propagation of their ism was conducted by the management of the Manchuria provincial committee. 3. Soviet Russia was energetically active in the east of Kirin province, aiding the Chinese and Korean Communists, organizing the Soviet system, Bolshefying the anti-Kirin troops, and supplying them with arms and munitions.

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Vladivostok	The Bolshevik military Committee plotted to disturb the rear of the Japanese army

Additional Remarks.

Since the beginning of April, Communistic movements have been gaining in vehemence to a degree almost amounting to [illegible] and the communists have been busily engaged in such plots as shooting Japanese policemen, wrecking railways, attempting surprise attacks on Harbin, and supplying the anti-Kirin troops with arms and munitions.

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辯護局書證第二〇四號ノ6

附屬書第六

滿洲に於ける共產黨運動に關する報告

滿洲に於ける共產黨活動概況

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滿洲に於ける共產黨運動

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一、一九三一年九月より十二月まで

二、一九三二年一月より三月まで

滿洲に於ける共產黨の活動

一九一七年頃ロシヤの共產黨はヨーロッパ赤化の運動に着手したが各方面に於て其成功を收める事の困難なのを看取りて其鉾先を東に轉じ、ベルシア、アフガニスタン、インドを手始めとして一九一九年シベリアがソビエット、ロシアに征服せられた頃極東の赤化を開始した。外蒙全

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部を其手中に收めた後、呼倫貝爾（ホロンバイル又はコロンバイル）に觸手を伸ばし更に東支鐵道沿線並に奉天、營口、安東及間島の各地に共產黨主義の宣傳を活潑に續けた。

然し滿洲の赤化は日支兩國官憲の監視が嚴重であつた爲當時は決して容易でなく、彼等の努力は非常なものであつたけれど比較的僅かな效果しか收める事は出來ず其活動は一時停頓したと思はれた。

東支鐵道を繞ぐる一九二九年の外交紛爭（譯註、張作霖軍の東支鐵道占領を見たる露支紛爭）は第三インターナショナルに對しその滿洲委員會を使嗾して滿洲の擾亂を目指す反戰運動を起させる絕好の機會を與へた。そして支那の東北軍（譯註張作霖軍）がロシア軍に壓倒せられた結果として、ハバロフスク協定が締結せられた爲東北三省に於ける支那官憲の態度が敢化した時に第三インターナショナルは忽ち機會を捉へ中國共產黨に嚴命して活動を開始せしめ從來第三インターナショナルとは全く關係の無かつた高麗共產黨、朝鮮共產黨其他朝鮮人の組織する各種の共產主義團體を第三インターナショナル滿洲東部の支配下に收める事によつて滿洲に於ける其

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戰線を強化する事に成功した。かくて勞働運動、青年層の赤化、職工互助運動、反帝國主義運動、共産黨員の軍事敎練、兵士に對する革命的反亂の使嗾等を行つて活動を續け其結果滿洲の多くの所に赤化の不安が益々明らかになつて來た。

滿洲事變はかかる情勢の下に起つた。社會的不安と秩序紊亂とは共産主義運動にとつて利用すべき最適の條件であり、反動分子（譯註、滿洲新國家運動に對する）と反亂的傾向を有する兵士とは第三インターナショナルにとつて其手足とするのに最も容易なものであつた。

それ故第三インターナショナルは在ハルビンの委員會に指令を發し日本の北滿進出はソビエット・ロシアの極東政策と相容れざるものであり、共産主義者は日本軍機關の間に共産主義的分子を扶植し內部から反戰的行動を起さしめて日軍の崩壞を來すの外無かるべき樣にする爲にあらゆる手段を用ひて努力せねばならぬ旨を傳へた。

又在ウラジオの極東ボルシエビキ軍事委員會は在滿日本軍を煽動する目的でパルチザン軍を組織するよう朝鮮人を誘つて居るといふ情報もあ

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つた。

一方に於ては滿洲の新國家に反對して居る反動分子亞に張學良の部下は滿洲國を倒し日本を驅逐する目的を達する爲ソビエツト、ロシアの協力を熱望して之等の反動的兵士及不正規軍を赤化せしむるよう全力を盡して試みただけでなく共產主義の青年を使嗾して日滿の指導的人物及官吏を暗殺せしめ鐵道を破壞し都市を襲擊せしむるように努めた。最近起つた日本軍用列車襲擊事件及東支鐵道破壞計畫の陰謀のほんの數例に過ぎない。

最も注目すべき事は本年一月彼等が吉林省虎林及突木泉附近に所謂ソビエツト地區を建設し赤軍を組織したという事實である。此事は我々をして江西、湖南兩省に於けるソビエツト地區を根據地として支那本土の赤化運動を行つたのと丁度同じやり方で第三インターナショナルは此地區を根據地として滿洲赤化の運動を指導しようとして居ると信ぜしむるものである。

更に第三インターナショナルは南滿於び北滿に於ける職工の赤化によ

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つて彼等の運動を一層效果あらしめようと試みた。

第三インターナショナル滿洲地方委員會のプログラムは彼等の腹黒い意圖を非常に雄辯に物語つて居る。此プログラムは南滿洲鐵道、東支鐵道及京奉鐵道が非常に重要である事、ハルビン、奉天、大連に多數の職工が居る事、撫順及本溪湖の大鑛山には多數の鑛夫が居る事に對して注意を喚起し工人會の擴大、工場内に於ける地盤の確立、下層階級の統一、先鋒及監視に當る者の自衛の爲の武裝を强調した。

第三インターナショナルは又一九二九年の外交紛爭の解決直後ハルビンに多數の赤色士官を送り今では一朝事ある時は直ちに武器を執り得るよさに東支鐵道其他の機關内に働かせて居る。現在東支鐵道沿線に於けるロシア共產黨の武裝組織の數は五、七〇〇に達し機關銃、拳銃、小銃を裝備して居る。

第三インターナショナルの慣例的手段は先づ最初に其の主義を宣傳し次に共產主義的組織をつくり最後に多少の勢力を得た時に支那本部、ヨーロッパ、インド等の例に見るように其場合々々に應じて大々的な又は

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地方的な顧慮を起すのである。滿洲に於ても亦彼等の運動は同じ様な筋道を辿るもののようである。

第三インターナショナルの活動が大衆の平和、秩序及福祉並に滿洲及蒙古を以て凡ての國家の理想國たらしめんとする崇高な理想の實現によつて大なる脅威であるだけでなく滿洲及日本並に他の諸國の利益を同じ様に侵害するものであるが故に今や白日の如く明白であり且つ爭ふ餘地の無い所である。

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滿洲に於ける中國共産黨分布表

中國共産黨中央執行委員會（上海）

滿洲地方委員會（瀋陽）

東滿洲特別委員會（延吉）

東滿の各要衝に委員を駐在せしむ。

南滿洲特別委員會（瀋陽）

南滿各縣に委員を駐在せしむるも其數詳ならず。

北滿特別委員會（ハルピン）

北滿各縣に委員三名を駐在せしむ。

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滿洲事變勃發後、滿洲各地に於ける共產黨活動概況

一、一九三一年九月より十二月まで

奉　天　一、宣傳文並に其携行者を發見す
　　二、中國共產黨員數名逮捕せらる。

海　上　宣傳文を發見す。

大　連　同　上

吉　林　同　上

ハルビン　一、日本總領事館其他の建物に爆彈を投ぐ。
　　二、宣傳文を發見す。

間　島　各種の宣傳文及プログラムを發見す。

二、一九三二年一月より三月まで

ハルビン　一、宣傳員數名東北各省に潛入す。
　　二、モスコウ政府よりハルビン委員會に對し積極的反日手段を採る可き旨命令し且つコミンテルンより在支ソビエット各機關に對し反日煽動の宣傳をなすべき旨を指令す。

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三、北滿反帝國主義聯盟大會を開きて帝國主義に抗議し宣傳文書を頒布す。

四、東支鐵道ソビエット系從業員より共產主義宣傳費を徵收す。

其他動靜

一、ソヒエソ共產黨員ラジオ、新聞其他あらゆる手段を用ひて反日宣傳を行ふ。

二、滿洲地方委員會の手により共產黨機關を組織し主義宣傳の運動を行ふ。

三、ソビエツト、ロシア吉林省東部に於て熱心に積極的行動に出で、中國共產黨及朝鮮共產黨を援助し、ソビエツト組織をつくり、反吉林軍の赤化を圖り之に武器彈藥を供給す。

ウラジオストツク　ボルシエビキ軍事委員會日本軍の後方攪亂を計畫す。

附記

四月初以來共產黨の運動甚だ活潑となり殆んど脅嚇主義とも

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いふべき程度に達し共産軍の組織的ハルビン急襲計畫、反吉林軍に對する武器彈藥の供給等に從事しつつあり。

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Defense Document 206 (20)

Not used

THE PANAY INCIDENT IS CLOSED

December 26, 1937

This was an eminently happy day and it showed that wisdom and good sense of two Governments which refused to be stampeded into potential war in spite of the tendency of the one side to "save face" at almost all costs, and in spite of an outrageous affront offered to the other. The Japanese Government had expressed the most abject apologies for the sinking of the Panay and we, without a moment's delay, accepted those apologies. I thought that our Government's note was a masterpiece; we had observed with satisfaction the promptness with which the Japanese Government had admitted responsibility, expressed regret, and offered amends; we accept the Japanese action as responsive to our requests and expectations; we each reply on our own evidence and conclusions as to the details; we express the earnest hope that the steps taken by the Japanese Government will prove effective toward preventing any further attacks or unlawful interference by Japanese authorities or forces with American nationals, interests, or property in China.

Equally masterly was the Japanese arrangement that its note should get to Washington on Christmas Eve and should be dealt with by our Government on Christmas Day (our reply was dispatched from Washington at 3 o'clock on Christmas afternoon). The Japanese could hardly have failed to realize that the Christmas spirit is strong in our country and that the thought "Peace on earth, good will toward men" must inevitably color and influence our decision. Anyway, I was so profoundly happy at the outcome that when I called on Hirota at noon I entered his room wreathed in smiles (a very different attitude from my call on him on December 17) and told him that I brought good news. When I had finished reading our note to him, his eyes were really filled with tears and he showed as much emotion as any Japanese is capable of showing; he said: "I heartily thank your Government and you yourself for this decision. I am very, very happy. You have brought me a splendid Christmas present." I think his relief must have been tremendous, as was mine. We have, for the moment, safely passed a difficult, a very difficult, hurdle.

PURL: http://www.legal-tools.org/doc/f2b1f5/

Yet I cannot look into the future with any feeling of serenity. Other hurdles, perhaps even more difficult ones, are almost certain to present themselves, and the patience of the American people is not inexhaustible. War between Japan and the United States will not come through more interference with or even destruction of our tangible interests in China, or yet from the breach of treaty rights, or the breaking down of principles for which we stand, but war may very easily come from some further act in derogation of American sovereignty or from an accumulation of open affronts. Therein lies the danger, and it is a real danger which no one with knowledge of the irresponsibility of the Japanese military as distinguished from the Japanese Government can eliminate from the future picture. I left the Minister's house realizing only too clearly that our satisfaction at the settlement of the Panay incident may be but temporary and that the rock upon which for five years I have been trying to build a substantial edifice of Japanese-American relations has broken down into treacherous sand.

Excerpt from "Ten Years in Japan"
Diary of Former Ambassador Grew
Pages 239 and 240

PURL: http://www.legal-tools.org/doc/f2b1f5/

Def.DOC.#206-20

EXHIBIT Not Used

パネー號事件落着

一九三七年十二月二十六日

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又、日本側に於いて、其の覺書が華府にクリスマス前夜に到着し從つ

服部譯

Grew entitled "Ten Years in Japan."
Page 247

PURL: http://www.legal-tools.org/doc/f2b1f5/

Def.DOC.#206-20

辯護側書類二〇六（二〇）號

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て我政府がクリスマス営日夫を取り扱ふことになる様に手配したことは同様、眞に時宜を得た措置と云はねばなるまい。（我方回答はクリスマスの午後三時に華府より發せられた）日本側は、我國にかける「クリスマス」の精神が根強く、從つて〝地上の平和、万人友愛の思想は必ずや我方決定に良い影響を〟與らすに相違なからん旨見逃す筈はあり得なかつたのである。鬼に角、私はかゝる結末を見たことに對し喜びを抑へ切れず、正午に廣田を訪れる際の如きは、滿面に微笑を滿へて（十二月十七日に彼を訪れた際にくらべると天地の差程の態度であつた）部屋に入いり、良い報せを持つて來たと告げた程であつた。私が我方の覺書を讀み終へるや、彼は眞實兩眼に涙を滿へ、日本人の表し得る最大限の感情を露してゐた。そして〝私はこんなに喜ばしいことはない。全く素晴らしい「クリスマス」プレゼントを與らして下さつたと述べたが、彼がどの様に安堵したか、全く私と同様に計り知れない程であつたに違ひないと思ふ。之で我々は、ここ當座の間、困難な、極めて超え難い障害物を一つ無事に通過したといふ譯である。

然しながらさればとて、私は將來を思ふときは必ずしも安閑としては居れない氣がする。他の障害物、然もより困難なる障害物が必ずや出現することと思はれるし、其際にたいても米國民の忍耐心にも亦限度があるといふものである。日米間の戰爭は中國にたける吾々の明白なる權益に對する單なる干渉乃至は更に其の侵害があつたとしても、夫を契機と

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して惹起されるとは思はれないし、亦、條約上の權利の破棄、乃至は吾々の主張する諸原理が除外される樣なことがあつても容易には惹起されるとは思はれない。然しながら米國の主權を此の上毀損する樣な行爲、又は公然たる侮辱の度重る樣な事があれば、直ぐにも戰爭は起り得るのである。危險は正に此點に存するのであり、然かも其危險たるや、日本政府に比し無責任極りない日本軍部に就いて多少でも知つてゐる者なら、將來を予見するに苦り決して除去して考へられない切實さを伴ふものである。私は大臣官邸を辭去するに苦り、パネー號事件の解決に對する吾々の滿足も一時的に過ぎないものかも知れず、又五年間嘗々として日米關係を監牢なるものに築き上げんとした其の基礎岩石が今や崩り去つて頼りない砂地と化した事實を一入まざまざと思ひ知らされるのであつた。

前大使グルー氏　日記

〝滯日十年〟よりの抜粋

二三九——二四〇頁

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PURL: http://www.legal-tools.org/doc/f2b1f5/

Defense Document 206 (23) Not Used

FIRST INTERVIEW WITH FOREIGN MINISTER
GENERAL UGAKI

May 31, 1938

General Ugaki,* the new Minister for Foreign Affairs, received the diplomatic chiefs of mission individually today. Apparently without knowledge of English, he spoke through an interpreter.

He said that he desired to do his utmost to develop good relations with the United States, adding that having had no experience in diplomacy he is unused to the intricacies of that profession and that therefore he will always speak frankly. I replied that with thirty-four years of experience in diplomacy I had become steadily more convinced of the stupidity of indirection and that he could always count on complete frankness from me in our relations. We had therefore mutually arrived at the same conception by different roads.

I said that it would be helpful if I might report to my government about his attitude toward the protection of American interests in China. The Minister replied definitely that he would guarantee the protection of American interests in China and that if questions should arise in connection therewith he wished me to inform him of them.

* An officer of liberal leanings who, when later the Emperor chose him as Prime Minister and directed him to form a cabinet, failed to do so because the Army regarded him as too liberal and refused to nominate a Minister of War.

Excerpt from Diary of Former U. S. Ambassador
Grew entitled "Ten Years in Japan."
Page 247

PURL: http://www.legal-tools.org/doc/f2b1f5/

not used

Def. Doc. ✠ 206(23)　　Exh. ✠

辯護側文書第二〇六號（二三）

外務大臣宇垣大將トノ初會見

一九三八年五月三十一日

今回ノ外相宇垣大將ハ各國最高外交使節トノ個別的接見ヲ本日行ツタ。彼ハ英語ヲ知ラナイト見エ、通譯ヲ通シテ語ツタ。

彼ハ米國トノ親交ヲ進展サセルタメ全力ヲ盡シタイト思ツテヰル旨ヲ語リ、ソレニ加ヘテ外交政策ニ全ク經驗ヲ有タヌ故ソノ複雜怪奇サニナラワズ依ツテ常ニ率直ニ語リ度イト語ツタ。

私ハ亦私ガ外交生活三十四年ノ經驗ヨヨツテ汪圖スルコトノ愚ナルコトヲクヅク悟ツテヰルカラ吾々ノ關係ニ於テハ何時デモ私ガ全ク腹藏ノナイコトヲ信ジテ戴イテ宜シイト答ヘタ。玆ニ於テ吾々ハ夫々述ツタ道カラ同一ノ考ヘニ到達シタノデアル。

私ハ支那ニ於ケル米國ノ利益權護ニ對スル彼ノ態度ヲ私ガ政府ニ報告スルコトガ出來レバ非常ニ助ケニナルダラウト云ツタ。外相ハ斷言シテ彼ハ支那ニ於ケル米國ノ利益保護ニハ保障スルト云ヒ、若シ之ニ關聯シテ問題ガ起ツタナラソレヲ彼ニ告ゲテ欲シイト云ツタ。

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and to persuade them to follow policies laid down by the civil elements in the Government, and whether they can succeed is an open question. At the same

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Def. Doc. # 206(23)

Exh. #

(x)自由主義的ナ人物デ後ニ天皇ガ彼ヲ首相ニ選定シ組閣ヲ命ゼラレタ時又ガ彼ヲ余リ自由主義デアルトテ陸軍大臣ノ指命ヲ拒ンダノデ組閣ニ至ラナカッタ人物デアル。

グルー前米國大使日記一在日十年上巻抜萃

二四六頁

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PURL: http://www.legal-tools.org/doc/f2b1f5/

Defense Document 206 (24)

Not Used

WHY FOREIGN MINISTER HIROTA LOST HIS JOB

June 21, 1938

A prominent member of the Japanese Government, speaking with full knowledge of the situation, has given the following picture of the purposes of the recent change in the cabinet and the intentions of the Government as they shape up at present. Prince Konoye and other members of the Government realized that if progress were to be made in consolidating Japan's position in China and in avoiding serious friction with Great Britain and the United States the conduct of everything except purely military affairs must be taken out of the hands of the Army and lodged in the civil part of the Government. Hirota had fallen because he was too weak in opposing the Army while at the same time insisting that the Foreign Office has control of Japan's foreign relations in China. This the Army would not tolerate, and it was for this reason that they were now setting up the so-called "China Organ" to deal exclusively with questions relating to China.

General Ugaki and Finance Minister Ikeda had accepted office only on condition that political and economic affairs in China should be taken out of the hands of the military, and this explains the appointment of General Itagaki as Minister of War, because he has the confidence of the younger officers in the Army and at the same time believes that the Army should stay out of politics and should limit itself to its duties as an efficient fighting machine. Both Ugaki and Ikeda realize that the solution of Japan's problem in China will be impossible unless good relations are maintained with Great Britain and the United States and Ugaki therefore proposes to do everything possible to see that their respective interests are protected. Obviously it is not going to be easy to take these matters out of the hands of the military and to persuade them to follow policies laid down by the civil elements in the Government, and whether they can succeed is an open question. At the same

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time the purpose of setting up the North China Development Company and the Central China Renovation Company is to take economic affairs in China out of the hands of the Army. In all these questions "the Big Five" see eye to eye. The foregoing statement of the Government's position "came straight home from the horse's mouth" and is considered entirely reliable.

Excerpt from Diary of Former U. S. Ambassador
Grew entitled "Ten Years in Japan."
Page 248

PURL: http://www.legal-tools.org/doc/f2b1f5/

Not Used

Def. Doc. No. 208(24) Exh. No.

支那側文書第二〇六號（二四）

廣田外相失脚ノ經緯

一九三八年六月二十一日

現在ノ狀勢ニ充分ナ知識ヲ有ツ日本政府ノ一高官ハ今回ノ内閣變動ノ目的及ビ政府ノ現在ノ意圖ヲ次ノ如ク解說シテ居ル。近衛公其ノ他ノ政府要人ハ支那ニ於ケル日本ノ地位ヲ重圍ニシ且英米トノ敵シイ摩擦ヲ避ケルタメニ何等カノ進展ヲ期待スルタメニハ純然タル軍閥以外ノアラユル活動ヲ軍部カラ奪ヒコレヲ政府ノ文官島ノ手ニ收メサセル要ノアルコトヲ悟ツテヰル。廣田氏ハ支那ニ於ケル日本外交ノ支配權ガ必ナガラ、軍部ニ對抗スル力ガ充分無イタメニ失脚シタ。斯カルコトハ軍部ノ判斷ヲ認シ得ザル所デ、コノ故ニコソ現在ノ軍部ハ支那關係問題ヲ專一ニ處理セシメルタメ所謂支那機關ヲ設立シテ居ル。

宇垣將軍及ビ池田國務大臣ハ支那ニ於ケル政府、經濟問題ガ軍部カラ取リ上ケラレルコトヲ條件トシテノミ入閣シタモノデ、コレニヨツテ板垣將軍ノ陸相就任ヲ說明スルコトガ出來ル。何故ナラ將軍ハ軍部若手將校ノ信賴ヲ集メテ居リ同時ニ彼ハ軍ガ政治圈外ニアラネバナラズ且軍ガ優レタル以圖

... that they would therefore not allow the incident to develop. I knew that Ott would not mislead me, because our personal relations are of the friendliest, and that barring unexpected developments the incident would soon be settled.

PURL: http://www.legal-tools.org/doc/f2b1f5/

Defense Document 206 (20)

Not used

THE PANAY INCIDENT IS CLOSED

December 26, 1937

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PURL: http://www.legal-tools.org/doc/510ac6/

Yet I cannot look into the future with any feeling of serenity. Other hurdles, perhaps even more difficult ones, are almost certain to present themselves, and the patience of the American people is not inexhaustible. War between Japan and the United States will not come through more interference with or even destruction of our tangible interests in China, or yet from the breach of treaty rights, or the breaking down of principles for which we stand, but war may very easily come from some further act in derogation of American sovereignty or from an accumulation of open affronts. Therein lies the danger, and it is a real danger which no one with knowledge of the irresponsibility of the Japanese military as distinguished from the Japanese Government can eliminate from the future picture. I left the Minister's house realizing only too clearly that our satisfaction at the settlement of the Panay incident may be but temporary and that the rock upon which for five years I have been trying to build a substantial edifice of Japanese-American relations has broken down into treacherous sand.

Excerpt from "Ten Years in Japan"
Diary of Former Ambassador Grew
Pages 239 and 240

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て我政府がクリスマス営日夫を取り扱ふことになる様に手配したことは同様、眞に時宜を得た措置と云はねばなるまい。（我方回答はクリスマスの午後三時に華府より發せられた）日本側は、我國にかける「クリスマス」の精神が根強く、從つて〝地上の平和、万人友愛の思想は必ずや我方決定に良い影響を〟與らすに相違なからん旨見逃す筈はあり得なかつたのである。鬼に角、私はかゝる結末を見たことに對し喜びを抑へ切れず、正午に廣田を訪れる際の如きは、滿面に微笑を滿へて（十二月十七日に彼を訪れた際にくらべると天地の差程の態度であつた）部屋に入いり、良い報せを持つて來たと告げた程であつた。私が我方の覺書を讀み終へるや、彼は眞實兩眼に涙を滿へ、日本人の表し得る最大限の感情を露してゐた。そして〝私はこんなに喜ばしいことはない。全く素晴らしい「クリスマス」プレゼントを與らして下さつたと述べたが、彼がどの様に安堵したか、全く私と同様に計り知れない程であつたに違ひないと思ふ。之で我々は、ここ當座の間、困難な、極めて超え難い障害物を一つ無事に通過したといふ譯である。

然しながらさればとて、私は將來を思ふときは必ずしも安閑としては居れない氣がする。他の障害物、然もより困難なる障害物が必ずや出現することと思はれるし、其際にたいても米國民の忍耐心にも亦限度があるといふものである。日米間の戰爭は中國にたける吾々の明白なる福益に對する單なる干渉乃至は更に其の侵害があつたとしても、夫を契機と

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して惹起されるとは思はれないし、亦、條約上の権利の破棄、乃至は吾々の主張する諸原理が除外される様なことがあつても容易には惹起されるとは思はれない。然しながら米國の主権を此の上毀損する様な行爲、又は公然たる侮辱の度重る様な事があれば、直ぐにも戰爭は起り得るのである。危險は正に此點に存するのであり、然かも其危險たるや、日本政府に比し無責任極りない日本軍部に就いて多少でも知つてゐる者なら、將來を予見するに苦り決して除去して考へられない切實さを伴ふものである。私は大臣官邸を辭去するに苦り、パネー號事件の併決に對する吾々の滿足も一時的に過ぎないものかも知れず、又五年間嘗々として日米關係を監牢なるものに築き上げんとした其の基礎岩石が今や崩り去つて頼りない砂地と化した事實を一入まざまざと思ひ知らされるのであつた。

前大使グルー氏　日記

〝滯日十年〟よりの抜粋

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FIRST INTERVIEW WITH FOREIGN MINISTER
GENERAL UGAKI

May 31, 1938

General Ugaki,* the new Minister for Foreign Affairs, received the diplomatic chiefs of mission individually today. Apparently without knowledge of English, he spoke through an interpreter.

He said that he desired to do his utmost to develop good relations with the United States, adding that having had no experience in diplomacy he is unused to the intricacies of that profession and that therefore he will always speak frankly. I replied that with thirty-four years of experience in diplomacy I had become steadily more convinced of the stupidity of indirection and that he could always count on complete frankness from me in our relations. We had therefore mutually arrived at the same conception by different roads.

I said that it would be helpful if I might report to my government about his attitude toward the protection of American interests in China. The Minister replied definitely that he would guarantee the protection of American interests in China and that if questions should arise in connection therewith he wished me to inform him of them.

* An officer of liberal leanings who, when later the Emperor chose him as Prime Minister and directed him to form a cabinet, failed to do so because the Army regarded him as too liberal and refused to nominate a Minister of War.

Excerpt from Diary of Former U. S. Ambassador
Grew entitled "Ten Years in Japan."
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not used

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證據側文書第二〇六號（二三）

外務大臣宇垣大將トノ初會見

一九三八年五月三十一日

今回ノ外相宇垣大將ハ各國最高外交使節トノ個別的接見ヲ本日行ツタ。彼ハ英語ヲ知ラナイト見エ、通譯ヲ通シテ語ツタ。

彼ハ米國トノ親交ヲ進展サセルタメ全力ヲ盡シタイト思ツテヰル旨ヲ語リ、ソレニ加ヘテ外交政策ニ全ク經驗ヲ有タヌ故ソノ複雜怪奇サニナラワズ依ツテ常ニ率直ニ語リ度イト語ツタ。

私ハ亦私ガ外交生活三十四年ノ經驗ヨヨツテ汪圖スルコトノ愚ナルコトヲクヅク悟ツテヰルカラ吾々ノ關係ニ於テハ何時デモ私ガ全ク腹藏ノナイコトヲ信ジテ戴イテ宜シイト答ヘタ。玆ニ於テ吾々ハ夫々述ツタ道カラ同一ノ考ヘニ到達シタノデアル。

私ハ支那ニ於ケル米國ノ利益權護ニ對スル彼ノ態度ヲ私ガ政府ニ報告スルコトガ出來レバ非常ニ助ケニナルダラウト云ツタ。外相ハ斷言シテ彼ハ支那ニ於ケル米國ノ利益保護ニハ保障スルト云ヒ、若シ之ニ關聯シテ問題ガ起ツタナラソレヲ彼ニ告ゲテ欲シイト云ツタ。

and to persuade them to follow policies laid down by the civil elements in the Government, and whether they can succeed is an open question. At the same

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(x)自由主義的ナ人物デ後ニ天皇ガ彼ヲ首相ニ選定シ組閣ヲ命ゼラレタ時又ガ彼ヲ余リ自由主義デアルトテ陸軍大臣ノ指命ヲ拒ンダノデ組閣ニ至ラナカッタ人物デアル。

グルー前米國大使日記一在日十年上巻抜萃

二四六頁

and to persuade them to follow policies laid down by the civil elements in the Government, and whether they can succeed is an open question. At the same

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Not Used

WHY FOREIGN MINISTER HIROTA LOST HIS JOB

June 21, 1938

A prominent member of the Japanese Government, speaking with full knowledge of the situation, has given the following picture of the purposes of the recent change in the cabinet and the intentions of the Government as they shape up at present. Prince Konoye and other members of the Government realized that if progress were to be made in consolidating Japan's position in China and in avoiding serious friction with Great Britain and the United States the conduct of everything except purely military affairs must be taken out of the hands of the Army and lodged in the civil part of the Government. Hirota had fallen because he was too weak in opposing the Army while at the same time insisting that the Foreign Office has control of Japan's foreign relations in China. This the Army would not tolerate, and it was for this reason that they were now setting up the so-called "China Organ" to deal exclusively with questions relating to China.

General Ugaki and Finance Minister Ikeda had accepted office only on condition that political and economic affairs in China should be taken out of the hands of the military, and this explains the appointment of General Itagaki as Minister of War, because he has the confidence of the younger officers in the Army and at the same time believes that the Army should stay out of politics and should limit itself to its duties as an efficient fighting machine. Both Ugaki and Ikeda realize that the solution of Japan's problem in China will be impossible unless good relations are maintained with Great Britain and the United States and Ugaki therefore proposes to do everything possible to see that their respective interests are protected. Obviously it is not going to be easy to take these matters out of the hands of the military and to persuade them to follow policies laid down by the civil elements in the Government, and whether they can succeed is an open question. At the same

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time the purpose of setting up the North China Development Company and the Central China Renovation Company is to take economic affairs in China out of the hands of the Army. In all these questions "the Big Five" see eye to eye. The foregoing statement of the Government's position "came straight home from the horse's mouth" and is considered entirely reliable.

Excerpt from Diary of Former U. S. Ambassador
Grew entitled "Ten Years in Japan."
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Not Used

Def. Doc. No. 208(24) Exh. No.

弁護側文書第二〇六號（二四）

廣田外相失脚ノ經緯

一九三八年六月二十一日

現在ノ狀勢ニ充分ナ知識ヲ有ツ日本政府ノ一高官ハ今回ノ内閣變動ノ目的及ビ政府ノ現在ノ意圖ヲ次ノ如ク解說シテ居ル。近衛公其ノ他ノ政府要人ハ支那ニ於ケル日本ノ地位ヲ重圍ニシ且英米トノ敵シイ摩擦ヲ避ケルタメニ何等カノ進展ヲ期待スルタメニハ純然タル軍閥以外ノアラユル活動ヲ軍部カラ奪ヒコレヲ政府ノ文官島ノ手ニ收メサセル要ノアルコトヲ悟ツテヰル。廣田氏ハ支那ニ於ケル日本外交ノ支配權ガ必ナガラ、軍部ニ對抗スル力ガ充分無イタメニ失脚シタ。斯カルコトハ軍部ノ判斷ヲ認シ得ザル所デ、コノ故ニコソ現在軍部ハ支那關係問題ヲ專一ニ處理セシメルタメ所謂支那機關ヲ設立シテ居ル。

宇垣將軍及ビ池田國務大臣ハ支那ニ於ケル政府、經濟問題ガ軍部カラ取リ上ケラレルコトヲ條件トシテノミ入閣シタモノデ、コレニヨツテ板垣將軍ノ陸相就任ヲ說明スルコトガ出來ル。何故ナラ將軍ハ軍部若手將校ノ信賴ヲ集メテ居リ同時ニ彼ハ軍ガ政治圖外ニアラネバナラズ且軍ガ優レタル以圖

...ese circles in China did not want they would therefore not allow the incident to develop. I knew that Ott would not mislead me, because our personal relations are of the friendliest, and that barring unexpected developments the incident would soon be settled.

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閣デアルトイフ任務以外ニ逸脱シテハナラヌト信ジテヰルカラデアル。宇垣池田共ニ支那ニ於ケル日本ノ問題ノ解決ハ英米トノ良好ナル關係ノ維持ナクシテ不可能デアルトノ信念ヲ持シテ居リ、ソレ故宇垣氏ハ雙方ノ利益ガ擁護セラレヤルタメニハアラユル努力ヲ惜シマヌトシテ居ルノデアル。軍部ノ手カラコレラノ問題ヲ取リ上ゲ政府ノ文官畠デ建テラレタ方針ニ軍部ヲ從ハセルトイフコトハ容易ナコトデハイノハ明白デ政府ガコレニ成功スルカ否カハ未決ノ問題デアル。同樣ニ北支開發會社及中支振興會社設立ノ目的ハ支那ニ於ケル經濟問題ヲ軍部ノ手カラ取リ上ゲルニアル。カカル問題ニ就イテ五巨頭ハ意見ガ完全ニ一致シテヰルト謂フワケデハナイ。

上記政府ノ現狀ニ關スル觀察ハ「馬ノ口カラ直ニ家ヘヤッテ來タ」モノデ充分信賴スルニ頗ルモノト思ハレル。

グルー前米國大使日記「在日十年」抜粋

二四八頁

therefore not allow the incident to develop. I knew that Ott would not mislead me, because our personal relations are of the friendliest, and that barring unexpected developments the incident would soon be settled.

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Defense Document 206 (2)

Not used

JAPAN AND RUSSIA CLASH, BUT AVOID WAR

August 1, 1938

The chief development in July was the Soviet-Japanese fracas at Changkufeng on the Soviet-Manchukuo border, in which the Soviet forces occupied a strategic hill in disputed territory and, according to local reports, the Japanese drove them back again with considerable casualties on both sides. Similar incidents have been occurring in that general region periodically during the past six years, ever since we came to Japan, but this particular incident seems to have been more serious than usual and reminded us of the trouble over the islands in the Amur River last year, when the Japanese appeared to be trying out the Soviet strength. In the present case it may be that the Russians were testing the Japanese strength and determination, or they may have staged the incident in order to draw Japanese troops away from the drive on Hankow, with a view to co-operating with the Chinese. If this was their purpose, they seem to have been at least partially successful, for considerable troop movements to the north are reported, and Japan can now hardly afford to omit preparation for any eventuality in that area.

Being convinced that the Soviets do not want war with Japan at present, and equally convinced that the Japanese cannot now afford any such venture, I was not greatly perturbed by the incident and felt from the beginning that it would be localized. General Ott, the German Ambassador, who has close relations with the highest Japanese military officers, told me that these high officers had said to him that they want no trouble with Russia at present because they are far too much occupied in China and that they would therefore not allow the incident to develop. I knew that Ott would not mislead me, because our personal relations are of the friendliest, and that barring unexpected developments the incident would soon be settled.

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Def Doc #206(25)

日ソ衝突するも戰爭を回避

一九三八年八月一日

七月の主なる事件はソ滿國境の張鼓峰に於ける日ソの衝突であつた。この衝突でソ聯軍は紛爭地帶の一戰略的重要高地を占領したが現地よりの報道によると日本軍はソ聯軍を再び驅逐、兩軍共相當の死傷者を出した。過去六年間、吾々が日本に到着以來同地方一帶にこの種の事件が週期的に生じてゐるが、今回の事件に限り何時もより重大なものであつたらしく、昨年日本軍がソウエット兵力の偵察を試みたと見られるアムール河諸島の紛爭を吾々は想ひ出した。今度の場合はロシヤ側が日本の兵力と決意を打診したのかも知れず、或は又ロシヤが中國軍隊に協力する目的を以つて日本軍隊を漢口進擊より逸すため本事件を仕組んだものかも知れぬ。若しこれが彼等の目的であつたとすれば、少なくとも或る程

correct these attacks, which were now being investigated.

The Minister then turned to the question of naval limitations and expressed regret that such limitation is not feasible at the present time, but navies are "dangerous toys"; the progressive increase in naval requirements could lead only to bankruptcy or a general explosion and someday an

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際は成功したものと思はれる。なぜならば相當數の軍隊の北部移動が傳へられて居り、日本は今や同地方に於いて今後或は生ずるやも知れぬ事件の準備を怠る丈けの余裕が殆んど無いのである。ソヴィエットは現在日本との戰爭を欲してゐないといふ事及び日本側も現在かかる危險を冒す余裕の無いといふ事は共に私の信じてゐる所故、今度の事件にも大して驚かず局地的なものであらうと初めから感じてゐた。ドイツ大使オット大將は日本の陸軍の最上級將官達と密接な關係をもつてゐるが大使はこれら將官が同使に語つた言として、彼等は中國に於いて手一杯であるから目下ロシヤとの紛爭を望んでゐないと本事件の解決を許さない積りである旨私に語つた。私と大使の個人的關係は極めて親しい間柄であるから大使が私を誤らせる積りでないといふ事及び本事件は思はざる進展を示さない限り、直ぐ解決するといふ事を私は知つてゐた。幸ひ、同事件は休戰といふ形で解決した。同地には衝突の種

correct these attacks, which [illegible]

The Minister then turned to the question of naval limitations and expressed regret that such limitation is not feasible at the present time, but navies are "dangerous toys"; the progressive increase in naval requirements could lead only to bankruptcy or a general explosion and someday an

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Hall Hoar #205 (25)

子が常に存在しているが、旅順峰事件も恐らくは、一時的な興奮をもたらしたが、消えてしまった他の多くの事件の一つとなるであろう。

.....

「滞日十年」と題する前米国大使グルーの日記抜萃二五〇頁と二五一頁

correct these attacks, which were now being investigated.

The Minister then turned to the question of naval limitations and expressed regret that such limitation is not feasible at the present time, but navies are "dangerous toys"; the progressive increase in naval requirements could lead only to bankruptcy or a general explosion and someday an

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April 19, 1939

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After dinner Admiral Yonai took Dooman aside (the Minister doesn't speak English very fluently) and asked him to tell me that my concern about the possibility of Japan's becoming involved in Europe had come to his attention and that he wished to tell me that I need have no further concern because "Japanese policy has been decided. The element in Japan which desires Fascism for Japan and the consequent linking up with Germany and Italy had been 'suppressed.'" Japan, the Minister said, while cooperating for the maintenance of friendly relations with both the democracies and the authoritarian states, must stand apart from either group, her own ideology being different from both of them.

Yoshizawa, to whom this talk was repeated, said that the decision to stay out of an alliance with Germany and Italy must have just been taken because he had not known of it. The Minister's statement to me might be taken as a definite indication that Japan intended to avoid embroilment in European troubles, and he knew that the Navy had held the balance of power in this important question, but we must not assume that there would be no strengthening of the Anti-Comintern Pact.

In further conversation with Admiral Yonai he said that the need for restoring good relations with the United States was being keenly felt. On his being informed that our difficulties, such, for instance, as the bombing of our property in China, could readily be eliminated, he replied that he knew all about this and that effective steps would be taken to correct these attacks, which were now being investigated.

The Minister then turned to the question of naval limitations and expressed regret that such limitation is not feasible at the present time, but navies are "dangerous toys"; the progressive increase in naval requirements could lead only to bankruptcy or a general explosion and someday an

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agreement must be reached. "There must be disarmament," he repeatedly said.

This was one of the most important and significant conversations that we have had, and I regard it as marking a new trend, indeed a milestone, in Japanese-American relations, for Yonai can be trusted.

Excerpt from Diary of Former U. S. Ambassador Grew, entitled "Ten Years in Japan."
Pages 280 and 281

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Def.Doc. #206(28)

辯護文書第二〇六號（二八）

一九三九年四月十日

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食後、米内提督はドーマンを傍に招き（同大臣は英語を余り流暢には話さない）日本がヨーロッパの事に捲き込まれる虞があり相だといふ事に就いて余が關心を持つて居る事に氣が附いたが「日本の政策は既に決定して居るファッシズムを日本に採用し其の結果としてドイツ及びイタリーと提携しようと希望する日本の分子は既に抑壓せられた。」から今後一切心配するに及ばないと余に話して貰ひ度いと頼んだ。同大臣の言によれば、日本は民主主義諸國とも全体主義諸國とも友好關係を維持するように協力しては居るが、日本自体の主義はその何れとも違つて居るのであるから、どちらの仲間からも離れて居なければならないのである。

といふのである。

此事を其のまゝ聽かされた芳澤はドイツ及びイタリーとの同盟に加はら

and I have plenty of evidence that my arguments have penetrated to the top -- is this: if a general war breaks out in Europe it is almost inevitable that the United States will be unable to stay out of it; things would be bound to happen which would inflame the American people, and history has shown that the American people are among the most inflammable people in the world. In

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ないといふ決定に就いては何にも知らないから、其話はちようど決まつたばかりに違ひないと言つた。同大臣が余に向つて此話をしたことは、日本がヨーロッパの紛爭に捲込まれるのを避けようと考へて居たこと、並びに同大臣は此重要問題を決定する鍵は海軍が持つて居る事を心得て居たことをはつきり示すものと解釋しても差支ないかも知れないが、防共協定の強化は無いに違ひないと決めてかゝる可きではない。

米内提督と話を續けて居るうちに同提督は、合衆國との關係を元の親善關係に戻す必要が切實に感ぜられると語つた。

之に就いて米國側としての難點例へば在支米國財産の爆撃等の如き難點が速かに除かれて欲しいものだと言はれて同提督は此問題についてはよく知つて居り之等の攻撃を是正する爲に目下攻究中の有效な手段が講ぜられる筈だと答へた。

同大臣は更に海軍縮少問題に話題を轉じ、海軍縮少が差當つて實行出來ないのは殘念であるが、海軍の要求は「危險な玩具」である。海軍の要求は年々增加するばかりで破產や全般的破壞に終る外はなく、いつかは軍縮

and I have plenty of evidence that my arguments have been used in the U.S. is this: if a general war breaks out in Europe it is almost inevitable that the United States will be unable to stay out of it; things would be bound to happen which would inflame the American people, and history has shown that the American people are among the most inflammable people in the world. In

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協定が成立しなければならないと語つた。「軍備縮少が行はれねばならぬ」と同提督は繰返し繰返し語つた。

此會談は我々の會談中でも最も重要な意義の深いもの丶一つであつた米内は信用の置ける男であるから、余は此會談を以て日米關係に於ける一つの新しい傾向を示すものとして、否寧ろ一つの里程標として考へて居る。

（前駐日米國大使グルー氏著
「滯日十年」二八〇頁乃至二八一頁より抜萃）

and I have plenty of evidence that my arguments have penetrated to the top -- is this: if a general war breaks out in Europe it is almost inevitable that the United States will be unable to stay out of it; things would be bound to happen which would inflame the American people, and history has shown that the American people are among the most inflammable people in the world. In

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Defense Document 206 (29) not used

JAPAN STEERS A AY FROM THE AXIS

May 15, 1939

The high light of the first half of May until we sailed on leave of absence was the effort to keep Japan from tying up in a general alliance with Germany and Italy. Up to our departure this effort was successful and I was given categorical official assurances that there would be no general alliance, although there would be some arrangement by way of strengthening the Anti-Comintern Pact with applicability only to Soviet Russia. But I know very well that the pressure on the Government will continue, and if Great Britain concludes an alliance with Soviet Russia it is not beyond the bounds of possibility that either the Government will be forced into a totalitarian alliance or will fall, Hiranuma to be succeeded possibly by General Minami, Marquis Kido, or Navy Minister Yonai. But the appointment of Yonai would still mean no totalitarian alliance.

I think that the present political situation in Japan is full of dynamite and that further assassinations are possible, if not likely. The country is sick of the hostilities in China, with no outlook for peace, and wants concrete results which do not appear to be maturing. This does not at all mean that Japan is weakening; on the contrary, there is every evidence of determination to see the whole thing through, and there is very little evidence of any financial or economic crisis in the near future. But there is plenty of dissatisfaction with the failure to achieve final results and to get the "China Incident" over with. The people are restive.

The line that I have taken in talking with Japanese high and low -- and I have plenty of evidence that my arguments have penetrated to the top -- is this: if a general war breaks out in Europe it is almost inevitable that the United States will be unable to stay out of it; things would be bound to happen which would inflame the American people, and history has shown that the American people are among the most inflammable people in the world. In

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such a case the pacifists and isolationists would be in the forefront of those supporting war -- at least, the great majority would be. If Germany were to bomb London and Paris and kill a great many civilians, that alone would stir the American people to the depths. And then, even if Germany and Italy had overrun Europe in the first few weeks of the war, the determination and unlimited resources of the United States would with mathematical certainty have won in the long run, as they did in 1918. If Japan were then tied up in the German camp in a general military alliance, it would be almost impossible for the United States to remain at peace with Japan.

It therefore behooves Japan to look into the future and decide where her friendship ought in her own interests to be placed. Japanese-American relations are temporarily strained owing to difficulties arising out of the campaign in China, but these difficulties should eventually be overcome and Japan should look at the long haul rather than at the immediate present. From every point of view -- economic, financial, commercial, sentimental -- the United States can be a better friend to Japan, if Japan plays the game with us, than any other country in the world. A Japanese-American war would be the height of stupidity from every point of view. In the meantime, what can Germany and Italy do for Japan? What concrete results are to be gained from their friendship in the long run? These considerations are worth weighing now, before it is too late.

These arguments, as I have said, appear to have been widely discussed and weighed. I have reason to believe that they reached the Emperor, and several highly placed people have encouraged the line I was taking. Some, including the Navy Minister on his own initiative, spoke of my "anxiety" and said that I need worry no more as things were going to turn out the way I wanted them to do.

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So we leave Japan for these few months of furlough feeling that, whatever the final result, at least nothing has been left undone to steer Japanese-American relations into healthy channels, which, after all, is my job.

A five-month furlough in the United States interrupts the diary at this point.

Excerpt from Diary of Former U. S. Ambassador
Grew entitled "Ten Years in Japan."
Pages 281-283

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Def. Doc. # 206 (29) not used

辯護文書二〇六（二九）

日本は樞軸より外れる

一九三九年五月十五日

我々は五月上旬賜暇歸朝の爲め出帆したが其頃迄最も著るしく人目を惹いた事は獨伊との同盟を結ばせまい樣にと日本を引き留める爲の努力であつた。我々の出發間際迄此努力は成功裡に終つて居た而して自分は蘇聯のみに適用きるべき反共協定強化を名として何等かの工夫が行はれるかも知れないけれど兎に角右の如き同盟は締結されないであらうとの具

筋よりの端的な保證を行て居たが併し自分は亦政府に對する壓迫は依然として徒續するであらう事を知つて居る而して萬一英國が蘇聯と同盟を締結するよせば政府は全体主義的同盟を締結する可く余儀なくされるか或は瓦解するであらう事は必ずしも不可能ではない。而して此場合平沼の後繼者は多分南大將か木戸侯か或は米内海相であるであらう但し米内が任命された場合全体主義的同盟は其意義を失するに等しい

現今日本の政況は爆藥に充ちて居り此上何らの暗殺も決して望ましくは

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等は戰爭を支持する人々の最前戰に立ちませう、少くとも其大多數が此んな態勢を採るでせう

若し獨逸がロンドン及パリを爆撃し多數の市民を殺すとすれば夫丈で米國人を憤く騒がすだらう。其場合假令ドイツとイタリーが戰爭の最初の數週間中に歐洲を席捲したとしても米國の決意と無限の資源は數字的確實性を以て一九一八年に於けるが如く終局に於て勝つだらう。"

其時若し日本が一般的軍事同盟に於てドイツ側に結盟したとすれば米國が日本と平和を維持することは殆んど不可能であるだらう。"

だから將來をよく慮て自國の利益よりして其親善關係の置き場所を決定するのは日本の當然なるべきことである。"日米關係は一時的に日支事變により生じた困難のために緊張しては居るが此等の困難は結局は打勝たるべきものであり又、日本は目先よりも大局を見るべきである經濟的、財政的、商業的感情的、如何なる觀點よりするも、若し日本が我々と一緒に事柄を運ぶならば米國は世界の他の如何なる國よりも

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ないが可能である様に自分は考へる〝國中皆な平和の見透しもつかぬ支那に於ける戰爭に倦んで早く具体的の結末を附け度いと欲して居る併し此結末なるものは未だ熟して居らぬ様である〟だからと云つて此事は日本が弱りつゝあると云ふ事を決して意味するものではない、いや却つて日本は一大決心を以て事態を完全に收拾しやうと云ふありありとした證據があり近き將來に於て財政的又は經濟的危機が到來せようなんどと云ふ事は思ひもよらぬ事である〟併し有終の結果を獲て支那事變を完了はし度いが思ふ様にならない事に對する不滿は相當ある様である〟國民は從順でなくなつて居る〟

自分は上層、下層の日本人と話し合つたが之に依つて行た大体の筋は―又自分は自分の論據が上層階級に浸透して居ると云ふ澤山の證據を持つて居る―左の通りである〟若し歐洲に戰爭勃發の場合亞米利加は其埒外に止まる事は到底出來ない藝當である、事態は亞米利加人を煽り立てるに相違ない而も亞米利加人は世界中最も激し易い國民の一に數へられて居る事は歷史が證明して居る〟斯様の場合には平和主義者や孤立主義者

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何處から見ても日米戰爭は愚の骨頂だ、一方ドイツとイタリーは日本のために何が出來るか、結局に於て彼等の親善關係から如何なる具体的結果が得らるゝか、此等の考慮は今、遲すぎない間に考慮に價する。

既に云つたやうに此等の議論は廣く討論せられ評量せられたやうに見えた、私け其等は天皇に到達し且數々の高位の人達が私の取つて居る線に於て激勵したと信すべき理由がある。自らの御意に基いての海軍大臣を含む數人々は私の「心配」について話し、事柄は私が望んで居る方向に運んで居るから私は速早、痛心に及はぬと云つた。

そうして我々は數ケ月の休暇の間、終極の結果はどうあらうとも、少くとも結局の私の仕事である、日米關係を圓全な道筋に導くためにしなかつたことは何もないと感じて日本を去るのである。

米國に於ける五ケ月の休暇は、此頃に於て中斷して居る。

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Defense Document No. 206-B(-)
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THE SOVIET AMBASSADOR PAYS HIS RESPECTS

November 20, 1933

At 11 Yurenev, the Soviet Ambassador, made his official call after our recognition of the Soviet Union. I received him in my study at the Residence and we pledged each other's healths in some excellent sherry. I believe he played a prominent part in the revolt of the Russian Navy at the very beginning of the Revolution. He has been Ambassador to Italy and Minister both to Persia and Austria, so must have accumulated considerable diplomatic experience. He says that Russia will not cede an inch on the Chinese Eastern Railway, and gives an impression of pessimism as to the future relations of the two countries. He is clearly overjoyed at our recognition and very, very friendly.

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EXCERPT FROM DIARY OF FORMER UNITED STATES AMBASSADOR GREW, page 107

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ソビエット大使放言を表す

一九三三年十一月二十日

ソビエット大使エルネフ氏は吾邦のソビエット承認後の正式交渉のため十一時に私を訪問した。余は官邸の書斎に同使を迎へ二人は相互の健康を祝して極上のシエリー酒を乾杯した。たしか同大使は革命の最初の期に於けるロシヤ海軍の反乱に際し重要な役割を果した人である。彼はイタリー大使、ペルシヤ、オーストリヤ公使などをつとめ数つて外交には相當の經驗を積んでゐるに相違ない。ロシヤは東支鐵道に關しては一歩も讓らぬ構へであると彼は言明しており、兩國々交の將來に關し寧ろ的な印象を與へてゐる。なほ同使は明らかに吾國の承認を非常に喜んでおり又極めて友好的態度を示してゐる」

グルー前合衆國大使の日記抜粋　第一〇七頁

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Defense Document No. 206-B(9)

CALM BEFORE THE STORM

* * * * *

January 24, 1934

Dinner at the Embassy for the Foreign Minister.

Hirota was very friendly as usual but also evidently very tired from the strain of the opening of the Diet and of answering interpellations. Said it was an entirely new and difficult experience for him.

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EXCERPT FROM DIARY OF FORMER
UNITED STATES AMBASSADOR GREW
page 116

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Exh. No

Def Doc# 206—B(9)

暴風雨の前の靜けさ

一九三四年一月二十四日

外務大臣を招待して大使館で晩餐。

廣田は常の如く誠に親密な態度であつたが、議會開會と、議會に於ける質問應答の緊張とから明らかに、非常に疲れてゐた。彼は、それが彼にとつて全く新しい、困難な体驗であつたと言つてゐた。

前合衆國大使グルー氏日記より抜萃（一一六頁）

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RUSSO-JAPANESE TENSION BEGINS TO EAST

February 8, 1934

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(6) The highest influences in the country are pacific. The Emperor is a man of mild and peaceful character. The era of his reign is characterized by the word "showa," which he himself chose and which means "enlightened peace." There is no reason to believe that he approved of the Manchurian adventure, for the matter did not lie in his decision. Prince Saionji, the Genro, and Count Makino are profoundly imbued with the horrors of war. Since 1931 they have not been able to make their view publicly felt, but they are constantly working behind the scenes and it is believed that their influence is gradually increasing.

The Prime Minister is personally an influence more peaceful than bellicose. Hirota, the Minister for Foreign Affairs, has displayed unexpected strength and is personally largely responsible for the comparatively milder tone of the press since he took office and for a new orientation in endeavoring to develop better relations with foreign countries. A strong group of liberals in the country have been steadily working behind the scenes and are, it is believed, developing more strength than they formerly possessed. At a recent dinner at the Tokyo Club in honor of Sir Francis Lindley, the British Ambassador, and Ambassador Debushi, Baron Hayashi, the chairman, in introducing the speakers, said slowly and with firmness, in a tone nearly menacing and emphasizing his remark with a bang on his fist on the table: "We want peace!" This is a small detail, but Baron Hayashi is Grand Master of Ceremonies of the Imperial Court and one of the Emperor's favorites.

(7) From the point of view of the Army itself--for in the last analysis the Army is likely to have the last word as to whether it shall be peace or war--new factors may exert a restraining influence. Even in the Army itself there are not lacking sane elements who are aware of the seriousness of a Japanese-Soviet conflict and who question whether the end to be attained would justify the risks run--whether the game would be worth the candle.

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EXCERPT FROM DIARY OF FORMER UNITED STATES AMBASSADOR GREW, pages 118-119

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歸還國文書第二百六號Bの十

日ソの緊張緩和すべし

一千九百卅四年二月八日

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(6)國の最高の權力者は平和を愛好してゐる。天皇は穩かで平和的な方である。

彼の治世は「昭和」といふ言葉は、元來御自身で御選びになつたもので、「文化の花咲く平和」といふ意味である。滿洲事變は彼の意外であり、彼が之を是認したと信ずべき理由は無いのである。元老西園寺公及び牧野伯爵は、戰爭の慘害を衷心から恐れてゐる。一千九百卅一年以來彼等はその考を一般の人々に感じさせる爲め出來ないで居つたが然し蔭で絕へず働いて居りその勢力は漸次增しつゝある。

首相は、個人的には、戰爭好きといふより寧ろ平和を愛する有力者である。

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外相廣田は、就任以來意想外の力を發揮してゐる彼の就任後日本の新聞が比較的穩かな論調を取るやうになつた事や、外交關係の改善に努力する新傾向を示した事實は廣田の個人的影響が大ひに與つてゐるのである國內自由主義者の强力たる一群は、蔭に居つて絶えず働きて、從前より强力になりつゝあると信じられてゐる。最近東京倶樂部で、英國大使ラ ンシス。リンドレイ卿と出淵大使を主賓として催ふされた晩餐會で、司會者林男爵は、辯士を紹介する時、ゆつくりと、而も斷固たる態度と殆ど威嚇せん計りの調子で、卓子を拳でどんと叩いて言葉を强めて、「我等は平和を欲する」と云つた。是は一瑣事である、が然し林男爵は式部長官であつて、天皇の御氣に入りの一人であるのである。

(7) 結局、軍が平和か戰爭かを最後的に決定するであらうがその軍自身の見地よりするも、新要素が現れて止め役の働きをするかも知れないのである。軍部自身の內にも、日ソ紛爭の重大性を承知して居り、這せんとする目的がこれに伴ふ危險を冒すだけの價値のあるものか、卽ち獲物は之を追ふだけの骨折り甲斐のあるものかどうかを疑ふ、健全分子が無いわけではない。

前米國大使グルーの日記第一一八一九頁からの抜萃

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Def. Doc.# 206-B(12) Exhibit #_____

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THE SOVIET AMBASSADOR SEES THE SPRING OF 1934 AS DECISIVE

March 9, 1934

During a long conversation today with the Soviet Ambassador, Mr. Yurenev, he first told me the present status of the negotiations for the sale of the Chinese Eastern Railway; these negotiations are still confined to pourparlers between the Minister for Foreign Affairs and himself, the general conference not having yet reconvened. These pourparlers have taken the form of bargaining pure and simple, each side naturally wishing to win a success --es-pecially Mr. Hirota, who will have difficulty in satisfying Japanese public opinion. In brief the situation is as follows:

The Soviet Government places the negotiations in two categories, the first comprising (1) replacement of the Russian personnel of the railway and (2) Manchukuo assumption of the railway's debt, and the second category comprising the actual sale of the railway itself. For the compensation of the personnel the Soviet Government will expect an amount of between nine and ten million yen. The approximate amount of the debt he did not tell me. With regard to the price for the railway, the Manchukuo authorities have not moved from their original offer of fifty million yen. The Soviet demand which was originally placed at two hundred and fifty million rubles was later reduced to two hundred million rubles. In order to convenience the Japanese, the Soviet Government had subsequently agreed to receive 50 % of the total amount in merchandise and of the other 50%, 15% would be paid in yen immediately on signature and the remaining 35% would be paid within three years by the Manchukuo Government. The final figure to be agreed upon would be a global amount. Bargaining with regard to the type of merchandise to be received is now going on, the Japanese desiring to make as favorable a deal in this respect as possible.

I asked the Ambassador whether he was optimistic as to an eventual favorable outcome of the negotiations. In reply he made the significant remark: "An agreement will be reached if the Japanese wish to avoid war with Soviet Russia." I said to him: "That remark could be interpreted as meaning that if the Japanese do not come to terms the Soviet Union will declare war." He replied that this was not his meaning and that what he wished to convey was that if an agreement for the sale of the railway should not be reached, this fact would be a significant indication that the Japanese intended to bring about a war and would use the failure of the negotiations as an excuse to satisfy public opinion in Japan as to the reasons for such a war.

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EXCERPT FROM DIARY OF FORMER U.S. AMBASSADOR GREW, pages 122-23

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機密文書第二百六號Bの十二

ソヴエツト大使一千九百卅四年の春を目して大詰め時期とす。

一千九百卅四年三月九日

本日ソヴエツト大使ユレネフ氏と長時間の會談中に、彼は第一に、東支鐵道買却交渉の現狀を予に告げ此等の交渉は本會議が未だ再開されないので外相と彼との間の下交渉の域を彼然出でて居らないと云つた。此等下交渉は純然たる取引の形式を取つて來てゐる。自然に双方がうまくやらうとしてゐる、廣田氏は日本の輿論を慮つて殊に照命である。簡單に云ふと下の一

樣な事態になつてゐる。

卽ちソヴエツト政府は交渉を二つの中に入れてゐる、第一は(1)東支鐵道のロシヤ人從業員への補償並びに(2)滿洲國が鐵道の負債を引受ける事であり第二の範圍といふのは鐵道其物の實際の買卽ちである。この從業員の補償にソヴエツト政府は九百萬圓から一千萬圓の間の金額を滿期してゐる併しユレネフ氏は負債の總算額は予に云はなかつた。鐵道の代償に就ては滿洲國當局者は元來の一千五百萬圓の申出を固執してゐた。最初二億五千萬ルーブルであつた。ソヴエツトの要求は、後で、二億留になつた。

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Def. Doc. 206B12

日本政府に都合のよいようにソヴエット政府は其後全額の五十パーセントを商品で受取る事に同意し他の五十パーセントの内で十五パーセントは調印後満洲国が直ちに国で支拂ひ殘り三十五パーセントは三年以内に支拂うことになつてゐる。最後に取極められる數字が總計額である。受取らる可き商品の種類に關して、目下交渉進行中であつて、日本政府は、この點で取引を出來るだけ好都合にしようとしてゐる。

予は、交渉の結果が大丈夫好都合に落つくと思つてゐるか否かと、大使に聞うたら、彼は之に答へて左の如き意味深重な言明をした。「日本政府がソヴエット・ロシヤとの戰爭を避け度いならば取極めが出來よう」と。予2は彼に「この言は取り樣では日本政府が話を纏めないと、ソ聯は宣戰するだらうといふ意味にも取れる」と云つた。彼は答へてそういふ意味で云つたのではなく、鐵道賣却の取極めが出來なければ、之は日本政府が戰爭を惹起する積りで、その理由を交渉の失敗に歸して、日本の輿論を滿足させる意圖を持つてゐるのだなと結論を下す重大な理由となるのであらうといふ意味の事を言ひ度かつたのである、と云つた。

前米國大使グルーの日記第百廿二―三頁からの抜萃

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Defense Document No. 206-B(16) Exhibit#_____

(Mr. Grew to Mr. Prentiss B. Gilbert, American Consul,
Geneva, Switzerland)

Tokyo, May 17, 1934

Confidential

Dear Mr. Gilbert:

I acknowledge with thanks the receipt of your letter of April 5. In answer to your letter and in compliance with the suggestion contained therein I shall endeavor to outline briefly the present political situation here with particular reference to the Japanese attitude toward international co-operation both at present and in relation to the basic Japanese policy of dominating East Asia.

In your letter you remark that "one gains the distinct impression that having achieved to such a large degree their objective in Manchuria, the Japanese are now endeavoring to effect an appeasement of the feeling against them in every direction possible." That is, in fact, the specific task which Hirota has set himself as Foreign Minister. Accordingly -- to use the phrases current in the Japanese press--for the "desperate diplomacy" of Count Uchida there has been substituted the "national defense by diplomacy" of Mr. Hirota.

In promoting his policy of consiliation Hirota has shown force and ability. He came into office last September at a moment when the pendulum of public feeling was tending to resume the norm.

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EXCERPT FROM DIARY OF FORMER UNITED STATES
AMBASSADOR GREW, page 135

PURL: http://www.legal-tools.org/doc/510ac6/

not used

Def. Doc. ✤ 206-B (16)

Exh. ✤

（グルー氏ヨリ在スキス、ジュネーヴ駐剳
アメリカ領事プレンティス、B、ギルバ
ート氏宛）

電信　東京発　一九三四年五月十七日

親展

四月五日附ノ貴翰有難ク受領シマシタ。ソノ返信トシテ貴翰中ノ御提案ニ従ヒ、私ハ、特ニ日本ノ国際的協力ニ対スル態度ヲ現下ノ情勢ニ関聯シ、且ツ又東亜征服トイフ日本ノ基本政策ニ関聯シテ、説明シッツ、当地ノ政界ノ情勢ヲ概略ニ概説シマセウ。

貴信中ニ、「日本ガ満洲デソノ目的ヲ大々的ニ遂ゲルヲ出來タ現在デハ、日本人ハ出來得ル限リアラユル方面デ對日感情ヲ宥メントシテ努力シテヰルトノ明瞭ナ印象ヲ第三者ハ受ケル」トアリマス。ソレコソ廣田ガ外務大臣トシテ特ニ着手シタ任務デアリマス。從ツテ　現今日本ノ新聞紙上ニ常ニ用ヒラレル句ヲ借リレバ　「内田伯爵ノ「無鉄砲外交」ガ廣田氏ノ「外交防禦」ニ依ツテ取ツテ代ラレタノデアリマス。

PURL: http://www.legal-tools.org/doc/510ac6/

Def.Doc.No 206-B (16)

Exh.No

廣田ハ彼ノ訓停政策ヲ促進スルノニ實力ト才能ヲ示シマシタ。彼ハ昨年九月、日本ノ國民ノ感情ガ常態ニ復シカケタ瞬間ニソノ職ニ就イタノデアリマス。

x x x x x x

前合衆國大使グルーノ日誌

一三五頁ヨリノ抜粋

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PURL: http://www.legal-tools.org/doc/510ac6/

not used

Defense Document No. 206-B(18)

(Mr. Grew to Mr. Prentiss B. Gilbert American Consul,
Geneva, Switzerland)

Tokyo, May 17, 1934

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Furthermore, through public utterances and in the Diet, the voice of public opinion revealed dismay at the size of the military budgets and an inclination to blame the Army for the unnecessary and dangerous state of agitation into which the nation as a whole had been led. Businessmen and capitalists wished to be free to reap the profits of the export boom.

During all these months Hirota worked steadily, and I believe sincerely, to create a friendly basis upon which to deal with China, Soviet Russia, Great Britain, and the United States. His hand was manifest in an immediate toning down of antiforeignism in the press; it was revealed in the renewed efforts to solve the current problems between Japan and Soviet Russia one by one; and it was emphasized to me in conversation in which Hirota showed an eagerness to explore any possible avenue which would lead to an improvement in American-Japanese relations. Certain people considered him a genuine liberal and the strongest Foreign Minister since Komura and Kato.

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EXCERPT FROM DIARY OF FORMER UNITED
STATES AMBASSADOR GREW, page 136

PURL: http://www.legal-tools.org/doc/510ac6/

not used

Def. Doc. #206-B (18)　　Exh. NO.

グルー氏ヨリ在スイス・ジュネーヴ、アメリカ領事プレンテイス，B．ギルバート氏宛

東京發信一九三四年五月十七日

更ニ與論並ビニ議會ヲ通ジテ民衆ハ膨大ナル軍事豫算ニ對スル驚愕ヲ示シ、國民全体ヲ不必要且ツ危險キハマル興奮狀態ニ引キズリコンダ軍部ヲ責メル傾向ヲ示シマシタ。實業家、資本家ハ軍出擴張ノ利益ヲ自由ニ收獲シタイト望ンデ居マシタ。

近來不斷ニ廣田ハ、中國、ソ聯及ビ英米トノ外交交涉ニ對スル友好的基盤ヲ創造セント努力シマシタ。而シテ彼ハ又誠實ニ努力シタト私ハ信ジマス。彼ノ方針ハ就任後直チニ新聞ノ排外主義ヲ抑ヘタ點ニ明ラカニ示サレマシタ。又日ソ間ノ懸案ヲ逐一解決セントノ努力ヲ再開シタ點ニモ明ラカニアラハレテキマシタ。彼ノ意向ハ私ニ對シ更ニ明瞭ニ示サレマシタ。スナハチ私トノ會談ニ於テ廣田ハ非常ナ熱意ヲ以テ日米關係改善ニ導キ得ル手段ヲ發見シヨウトシマシタ。或ル人々ハ彼ガ小村及ビ加藤以來アラハレタ眞ニ自由主義的ナ且ツ最モ強力ナ外務大臣デアルト考ヘマシタ。

前合衆國大使グルーノ日誌一三〇頁ヨリノ拔萃

PURL: http://www.legal-tools.org/doc/510ac6/

Defense Document No. 206-B(19)

not used

(Mr. Grew to Mr. Prentiss B. Gilbert, American Consul, Geneva, Switzerland)

Tokyo, May 17, 1934

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With Soviet Russia Japan is trying to keep the peace at present. Viewing the situation from Tokyo, neither side has now any stomach for war, nor are there indications in Japan or Manchuria of preparations pointing to imminent warfare. For the time being at least we need only fear a frontier incident of unusual gravity. Although Hirota has taken up the Chinese Eastern Railway question, the yen-ruble exchange question, the fisheries dispute, and the boundary problems one by one with an evidently genuine desire to remove them from the slate, progress has been very halting and bids fair to continue so.

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EXCERPT FROM DIARY OF FORMER UNITED STATES AMBASSADOR GREW, page 137

PURL: http://www.legal-tools.org/doc/510ac6/

not used

Dof, Doc, #206 B(19)　　Exh, NO

（グルー氏ヨリ在スキス・ジエネーヴ・アメリカ領事ブレンテイス・B・ギルパート氏宛）

東京發信一九三四年五月十七日

x　x　x　x

ソ聯トハ日本ハ現在平和ヲ保タウト努メテキマス。東京ニ於ケル情勢ヨリ見ルニ兩國何レニモ戰爭ノ意志ハ無キガ如ク又日本ニモ滿洲ニモ戰爭ノ急迫ヲ思ハセルガ如キ軍備ノ擴張ハ見ラレマセン。少クトモ玆シバラクハ我ゝハ不滿足大國境事件ガ發セヌ限リ心配ハ無イト思ハレマス

尾田ハ明ラカニ衷心ヨリ解決ヲ切望シテ東支鐵道問題、國境ルーヴル其算問題ノ決着、國境問題ヲ延一取リ上ゲタガ解決ハ非常ニ遲滯シナホ今後モオソラク遲滯スルデアラウト思ハレマス。

x　x　x　x

前各項大使グルーノ日誌一三九頁ヨリノ抜萃

PURL: http://www.legal-tools.org/doc/510ac6/

Defense Document No. 206-B(26) not used

HIROTA ON THE 1934 NAVAL CONFERENCE

September 7, 1934

Leave of Absence

I called on the Minister of Foreign Affairs to take leave of him before department on a month's leave of absence to Peiping and told him that if any questions should arise during my absence which he wished to discuss with the Embassy Mr. Neville would be in charge and would be glad to be helpful at any time.

Naval Conference

The Minister, on his own initiative, approached the question of the Naval Conference and said that Japan had definitely decided to abrogate the Washington Treaties toward the end of 193[illegible]. Many elements in the Navy wished to abrogate immediately, but Mr. Hirota had insisted on waiting until after the London conversations in October because as soon as one signatory had abrogated, the Washington Treaty would become null and void as regards all the other signatories and Mr. Hirota intended to discuss the matter with the other parties before abrogation in order not to give offense to the other signatories and also in order to avoid, prior to the next naval conference, unfavorable atmosphere which might be created if the abrogation should take place without some preliminary mutual understanding. The Minister said that the discussions concerning abrogation would be conducted with the various powers separately and that owing to Ambassador Saito's absence from Washington the matter is to be taken up with the American delegation to the preliminary conversations in London by Ambassador Matsudaira.

Mr. Hirota said that while the difficulties of solving the Naval problem with foreign powers were no doubt considerable, they were not so difficult as the domestic problem which he had to face indealing with the chauvinists. He said he had great hopes of some solution of the naval problem which would avoid saddling the various countries with future heavy building programs, especially because the younger officers of the Japanese Navy were definitely opposed to the building of big ships and were in favor of small ones.

EXCERPT FROM DIARY OF FORMER UNITED STATES AMBASSADOR GREW, pages 142-143

PURL: http://www.legal-tools.org/doc/510ac6/

Dor Doo ゆ 206 D(6)　　M'h MO

発表 昭文 碧鎮二（六）（二）第 B 一九三四年 海軍省 藤田の銀座

一九三四年九月七日

鳩嚏

会は一ヶ月の鴎嵐を待て北京に出発するため、外務大臣の招きの間を行ひ、公の不在中、我が大使館と留守居の間連絡をとるやうな事になつた。

海軍省發

同大臣は自らすゝんで海軍省の閲覧室を希望してゐる為め一締約国の艦隊の訪問を次第に多からしめる事は、他の締約国全部に同じ取扱ひをなすべきを感じ、十月の中旬に艦隊を招待する事に決定した。

る締約国と同時に訪問を行ふ事は主義上困難であるので、日本は英国を最向第一に訪問し、次に米国、仏国、伊国の順序に訪問する事に決定した。

面日から、且つ海軍省で歓迎晩餐を催すことになつてゐる。

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からであつた。同大臣は更に、厳粛に關する意見の交換は各國と個別的に之を行ふこととし、目下齋藤大使ワシントン不在の爲、公平大使がロンドンの豫備會談において、アメリカ代表を相手として森間題を取上げる豫定であると言明した。

廣田氏は、海軍問題の對外的な解決に依ふ各種困難は勿論相當なものではあるが、國内の對外強硬論者を相手とする際どうしても直面しなければならない對内問題に比すれば、さほど困難ではないと述べた。また、この海軍問題も、特に日本海軍の青年將校が大型船舶の建造に斷呼反對を唱へ、小型船舶を可としてゐる故、各國に將來衝重な建造計畫を實はせぬ樣な解決策を得る大きな希望を有してゐると言ふた。

グルー前合衆國大使の日記抜萃　第一四二―一四三頁

PURL: http://www.legal-tools.org/doc/510ac6/

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Defense Document No. 206-B(29)

EXPLAINING THE DIARIES AND DISPATCHES

January 22, 1935

On reading back over this diary I really wonder how I have the courage to send it to anyone, it is such a patchwork and crazy quilt and so many of the comments so rapidly set down require further elucidation or discussion. The field of Japanese-American relations, for instance, is so broad and so impossible to cover in a running document of this kind that my day-to-day comment, hastily expressed, might well give erroneous impressions. Our official dispatches, taken as a whole, probably cover the field fairly well, and from the point of view of history they must furnish the criterion. The only thing the diary can do is to supply a few illustrations to the text, but these illustrations, historically, should never be considered without the text. They are too likely to give one-sided and inadequate impressions.

Our dispatches, also, must be read as a whole and over a period of time to get the correct picture. Some of our dispatches, for instance, might be regarded as inconsistent. For instance, one of our dispatches on the naval conversations (No. 1087), which I am told was sent to the President, was based on the idea that the Japanese as a whole are absolutely intransigent regarding the question of naval parity and that there is complete solidarity in the country on that issue. That is absolutely true at present, but a fortnight later I wrote another dispatch (No. 1102) conveying the idea--though only as guesswork and so stated--that when the Japanese eventually find that we mean business in maintaining the present ratios, and that we intend to build and do build up to treaty strength, and propose to continue that policy even if it means a naval race, they, the Japanese, will seek a compromise rather than face such a naval race, and that although they have burned their bridges behind them, they are capable of remolding public opinion and policy over a period of time--even during the two years elapsing before the treaty expires. This, as I said, can be but guesswork, but everybody in the Embassy, including the Counselor and the Naval and Military Attaches, agrees that it is a sound guess. So the two dispatches were not actually inconsistent: the first dealt with the present, while the second had to do with the future if certain things happen, namely, the clear and factual demonstration of our determination to construct and maintain our navy on a 5-3 proportion. I only hope that the President, if he saw both dispatches, will get this point.

EXCERPT FROM DIARY OF FORMER UNITED STATES
AMBASSADOR GREW, Pages 152-153

PURL: http://www.legal-tools.org/doc/510ac6/

Not used

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Def. Doc. 206 B(29)

繕證側文書第二〇六B（二九）

日記及公文電報の說明

昭和十年一月二十二日

此日記を讀返して見て私はどうしてそれを他人に逃る勇氣があるかと、本當に疑ふのである。その日記はそれ程のつぎはぎ細工であり寄せ集めなのである。そうして又、非常に迅速に書下された非常に多くの說明は更に說明乃至は審議を必要とするのである。例へば日米關係の緣邊は非常に廣く此種の現況報告書ではその全部を含める事は不可能なのである。それで大慨て記された此私の日々の說明は間違つた印象を與へるから知れないのである。全般的に言つて我々の公文電報は多分、日米關係の舞臺を可なりよく包含してゐるであらう。さうして歷史的見地から言つて其等は軌範を與へるに違ひない。日記が役に立つ只一の事は「本文」に對して若干の例證を與へる事である。併し是等の例證は歷史的には「本文」が なければ決して考慮されてはならないものなのである。其等はあまりに一方的且つ不十分な印象を與へ勝ちである。

我々の公文電報も又正確な狀況を構む爲には全体として又一定の期間を經て

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讀まなければならない。例へば公文電報の若干は矛盾してゐると考へられるかも知れない。例へば海軍の交渉（第一〇八七號）に關する我々の公文電報の中の一つ即ち大統領に送られたと言はれてゐるものは日本側は大体に於て海軍同率の問題に続て絶對的に非妥協的であり、又その問題に關し日本に於ては完全なる結束があるとの考を基礎としたものであつた。これは現在では絶對に眞實であるしかし、それから二週間の後、私は今一つの公文電報（第一一〇二號）を書いた。その公文電報で――それはたゞ推察に過ぎなかつたのであり又其樣に書いたのだが――日本が遂に、我々が本氣で現在の比率を支持する積りであり、さうして我々が條約で定められた海軍力迄我海軍を除々に建造し增滿して行く積りであり、さうして、たとへそれが海軍競走を意味しても、その方針を續行するように提案するつもりである事を知つたならば、日本人はそのやうな海軍競走に直面するよりは寧ろ妥協點を見出すだらう。さうしてたとへ彼等が背水の陣を布いたとしても、彼等は輿論と政策を一定期間内に於て、たとへ條約の期限の切れる前の二年間に於てすら再び變へる事が出來るのである。との意味をその公文電報で傳へたのである。これは私がさう述べた如く、只單に推察である。併し大使館に於いては法律顧問、陸海軍武官を含めた總ての者がそれが健全な推察であるとに同意してゐる。そのやうにして此二つの公文電報は事實に於いては矛盾

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してゐなかつたのである。最初のは現在のことを扱ひ二番目の公文電報では何かの事が若も起るとしたならば將來のことを取り扱はなければならなかつたのである。つまり我海軍を五對三の比率に建造し維持する爲の我々の決意の明瞭にして事實上の表示であつたのである。私は大藏領が若し是等二つの公文電報を見られるなら此點を摑む事を希望する次第である。"

元米大使グルーの日記より抜　　準

第百五十二頁より百五十三頁

PURL: http://www.legal-tools.org/doc/510ac6/

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Defense Document No. 206-B(34)

RECEIVED
SEP 22 1947

FARLEY TALK WITH HIROTA

July 18, 1935

I called on the Minister for Foreign Affairs this morning and told him that having been more than three years in Japan my Government had accorded me a leave of absence and that I was sailing for the United States tomorrow. Said that I expected to return to Tokyo sometime in the late autumn. The Minister was good enough to say that he hoped I would return without fail because changing ambassadors always caused a certain amount of disturbance and an undesirable interim during which the new ambassador and the government to which he was accredited had to get used to each other. He thought it most important that no change should be made especially at the present time. I replied that so far as I was aware there was no intention to make a change at present and I fully expected to return to Tokyo.

I said that on arriving in Washington I would of course report directly to the President and to the Secretary of State and tell them of my observations and impressions concerning the situation in Japan and the situation between our two countries. If the Minister should desire to express any views, I would be only too happy to communicate them to the President and to Mr. Hull. Mr. Hirota replied by reminding me of the statement he had made to me when he first took office, to the effect that he considered good relations between the United States and Japan to be of paramount importance and that he intended to make the improvement of those relations the cornerstone of his policy. He said that while our relations had been difficult two years ago he felt that they were now distinctly good and he saw no reason whatever why they should not remain good. It was his purpose to do everything in his power to contribute to that most desirable result. He added that in his opinion the relations between Japan and certain other countries were very much more difficult and less satisfactory than the present relations between Japan and the United States.

In this connection he mentioned the naval situation and said that unless there was some prospect of coming to an agreement and concluding a treaty this year, he thought it much better to leave matters in abeyance and to maintain the present "peaceful" situation. He said he thought the most important thing to avoid was the bringing of pressure by one country on another, which could only

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cause irritation. The Japanese Navy had no plan at present and was content to let things remain as they are for the time being. He thought that a conference would have to be held before the end of the year but it could be a purely formal meeting and could adjourn for a year or two without necessarily stirring up controversies. Mr. Hirota gave me the impression that the Japanese Navy was in a less exacting frame of mind than it has been but he did not say this in so many words. The idea expressed was that if given sufficient time a good many difficult problems could be smoothed out.

EXCERPT FROM DIARY OF FORMER
UNITED STATES AMBASSADOR GREW,
pages 159-160

PURL: http://www.legal-tools.org/doc/510ac6/

not used

Def. Doc. #206-B(54)　　Exh. #

辯護側文書二〇六－B（三四）

廣田外相との別れの會談

一九三五年七月十八日

自分は今朝、外務大臣を訪問し、自分は日本に赴任以來三年以上になつたので、今回政府より暇暇を得て明日アメリカへ向け出發する旨を傳へた。そして秋の終り頃には又東京に歸つて來る予定であると述べた。外相は、「大使がかはれば必ず或程度支障を來し、又新任大使と派遣先政府との間ではお互ひに前任者の事情にをされる爲、不都合な空間を生ずるものであるから、私に必ず歸つて來て頂きたい」と、好意ある言葉を私に述つた。外相は、尙に現在に於ては大體の動のない事が最も重要であると云つた。私は、「自分の知る限りでは、現在の所――動する樣な意向はなく、自分では東京に歸つて來るものと充分期待してゐる。」旨返答した。

又、「ワシントンに到着の際には勿論、大統領及び國務長官に直接報告をなし、日本の現狀並びに日米兩國間の狀勢に關する自分の觀察及び所感を兩閣下に傳へるつもりである。若し貴下の方で何か御意見でもあれ

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ば、おきまして大統領及びハル長官に御傳へしませう」と語つた。廣田外相は、彼が外務大臣就任の際自分に送つた聲明に言及して、次の様に考へてゐる。そして、この兩國關係の改善をもつて自分の外交政策の基礎となすつもりである。」と。彼は又日米關係は二年前には困難な狀態にあつたけれども現在では明かに良好であると考へて居る。そして又この良好な狀態の維持を不都合とする理由は一切ないと語つた。外相の意圖する所は、この最も望ましい結果を實現する樣萬全を盡す點にあつた。外相は更に附言して、「自分の意見では、日本と或る他の諸外國との關係は日米關係よりはるかに困難な又好ましくない狀態にある」と答へた。「自分は、日米兩國間の友好關係維持を最大の重要事と

語つた。

此の點に關聯して、外相は又極東の情勢を次の如く語つた。「若し双方が極東の一政をみて、今年中に依然の儘いい限りは、問題に強いて手を着けず、現狀の平和的な情勢を維持して置く方がよいと思ふ。」と。又「國が他國を壓迫することは、單に憤慨を買すのみであるから最も避くべきである」と述べた。日本海軍は目下の所何等の計畫もなく、當分は何事も現狀維持で滿足してゐる。年末迄には會談を開く必要はあらうけれども、しかし、それはたゞ形式的に開いて、殊更に聲明を誘起せずして、終らしめ、あと一二年間

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は會談を開かずしておくことも出來ると彼は考へてゐる。
廣田外相から得た印象は、日本海軍の態度は以前のやうに強硬ではないといふことであつたが、しかしこれについて彼は右の如く文字通り言明したのではない。たゞ、若し充分な時間の餘裕を與へられれば、相當多くの困難な問題も圓滿に處理されるであらうといふやうな要領であつた

元米國大使グルーの日記（二五九頁―二六〇頁）の抜萃

*See photographs Nos. 4, 5, 6, and 7.

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Senate not used

Defense Document No. 206-C(I)

THE LIGHTNING STRIKES:
TWO TELEGRAMS THAT MADE HISTORY

Telegram Sent

TO: Secstate Washington

36 February 26, 10 A.M. 1936

The military took partial possession of the Government and city early this morning and it is reported have assassinated several prominent men. It is impossible as yet to confirm anything. The news correspondents are not permitted to send telegrams or to telephone abroad.

This telegram is being sent primarily as a test message, to ascertain if our code telegrams will be transmitted. Code room please acknowledge immediately upon receipt.

GREW

Telegram Sent

TO: Secstate Washington
RUSH
37 February 26, noon. 1936. Section 1.
Embassy's 36 February 26, 10 A.M.

1. It now appears fairly certain that former Premier Admiral Saito, former Lord Keeper of the Privy Seal Count Makino, Grand Chamberlain Admiral Suzuki, and General Watanabe, Inspector General of Military Education, have been assassinated. It is also reported that Finance Minister Takahashi and the Chief of the Metropolitan Police Board have been wounded.*

2. The military have established a cordon around the district containing the Government administration offices and the Imperial palace and do not permit ingress without Army passes. Telephonic communication with the administrative offices has also been stopped. The stock exchange has been closed.

Section 2.

3. It is now reported that Premier Okada, Home Minister Goto, and former War Minister Hayashi were also assassinated and that Finance Minister Takahashi has died of his wounds. The Embassy cannot confirm any of these rumors.

*See photographs Nos. 4, 5, 6, and 7.

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4. So far there has been no disorder and no street fighting, as far as the Embassy is aware. The troops taking part in the uprising appear to be under perfect discipline and are not interfering with the normal affairs of the people. Until the nature and probable results of the uprising are better understood by the Embassy, however, the Embassy is advising those who ask to remain at home. There appears to be absolutely no antiforeign feeling involved in the affair.

Section 3.

5. A mimeographed statement was left by groups of soldiers at each of the principal newspaper offices this morning. The statement alleged that the present Government has been drifting away from the true spirit of Japan and that it had usurped the prerogatives of the Emperor. As evidence of this the statement cited the signing of the London Naval Treaty and the dismissal of General Mazaki. It continued rather vaguely with an expression translated by the U.P. about as follows: "If this condition is permitted to continue, the relations of Japan to China, Russia, Britain, and the United States will become 'explosive in nature.'" The statement was signed by Captain Nonaka and Captain Ando, both of the Third Infantry Regiment stationed in Tokyo. According to the soldiers who delivered this statement, another announcement will be made at five o'clock this evening and at that time "a new law of state" will be promulgated. The Embassy's informant believes that certain constitutional prerogatives will be suspended. He likened the existing situation to the Batista coup d'etat in Cuba.

Section 4. (Paraphrase)

6. The uprising, as far as can be ascertained by the Embassy, is in the nature of a coup d'etat engineered by the young Fascist element in the Army and intended to destroy the entire group of elder statesmen who have been advisers to the Throne and thereby effect the so-called "Showa Restoration." Presumably to prevent anyone from obtaining access and securing an Imperial Mandate which would interfere with the plans of the Army group, the Emperor himself is apparently being held in the palace incommunicado. The trial of Aizawa, murderer of General Nagata, which has excited the feelings of the Fascist element in the Army, and the recent election which returned an unexpectedly large number of more candidates who are liberal, appear to be the immediate causes of the uprising. Latest reports indicate that Admiral Osumi, Minister of the Navy, has assumed the position of Acting Prime Minister and that General Mazaki is the leading spirit in the affair. The movement, down to the last detail, appears to have been thoroughly organized in advance. (End of paraphrase)

7. The Embassy has just learned from a fairly reliable source that Count Makino is safe.

-GRLW

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Defense Document No. 206-C(1), cont'd

THE MURDER OF VISCOUNT SAITO

February 27, 1936

This is a dreadful time and I have just returned from a harrowing experience--calling at the Saito * house, the very one where he was murdered yesterday, being ushered up to the little room where his body lay on the floor under a sheet, probably the same room where he was killed, kneeling to burn incense and then turning to the mourning family and finding myself face to face with dear Viscountess Saito herself. Yesterday she was in the hospital, recovering from the wounds inflicted on herself; she must have dragged herself out, her arm in a sling, to be with the body of her beloved husband.

She asked if I wished to see his face and then removed the sheet; there was a bullet wound visible (only one of his thirty-six wounds), but he looked peaceful enough. How we loved him and admired and respected him. He had a winning smile, always, and his white hair gave him a distinction quite apart from the distinction he had won in his many high posts and useful life. Only a few hours before the assassinations he sat at our table beside Alice, jolly and gay, and his wife next to me, and opposite me was Admiral Suzuki, who lies at the point of death from his own wounds.

Today, when I had paid my respects, Viscountess Saito said to me while we were both still kneeling in front of each other beside the body that her husband had never before seen the sound films and that he had loved the picture at our Embassy and that she knew he would wish her to thank us for having given him such a happy last evening. I was really too much moved to do more in reply than to convey Alice's sympathy too. Who could have foreseen that he was leaving our Embassy that night, and probably Admiral Suzuki too, to go straight to his death by bullet and bayonet in his own peaceful little Japanese home?

These assassinations have stirred us terribly--Saito, Takahashi, Watanabe dead and Suzuki probably fatally wounded. Thank heaven that Count Makino escaped; he was warned in time and managed to leave the hot-spring hotel where he was staying and find some refuge just before a gang of the insurgents broke in with the intention of killing him in cold blood. Kabayama has talked with him since and telephoned from Miyanoshita to tell me so. Prince Saionji, in the country at Okitsu, also escaped in time, but those in Tokyo seem to have had no warning whatever.

* See photograph No. 7

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It is significant that somebody telephoned to our servants during dinner asking that they be informed the moment Saito left our Embassy and when we looked up the number later it was found to be the local police station; they may have had some special warning or it may have been merely the usual precautionary protection, probably the latter. At any rate, Saito's presence under our roof that night made no difference one way or the other; he left well before midnight and was not killed until 5 or 6 o'clock the next morning. It would have been doubly horrible if the murderers had invaded our Embassy, as they could easily have done so far as their force was concerned, and bayoneted him at our table; the international aspects of such a move would probably have weighed little with those young hotheads if they had felt that it would facilitate their object; some and perhaps all of their groups were armed with machine guns; in the case of the Prime Minister several police were mowed down before the building was entered, and at the Watanabe house his entire family and servants were wiped out.

PIECING TOGETHER THE COURSE OF THE TRAGEDY

March 1, 1936

Everything that happened before the revolt now seems so trivial in comparison with the events of the past four days that there is no incentive to record the earlier daily notes. Little by little I shall have to try to piece out all that took place between February 26 and 29. The final denouement, namely the sudden reappearance of Prime Minister Okada, alive and uninjured, after we and nearly everybody else believed him to have been assassinated savors of the most intense melodrama and it has certainly made the insurgents the laughingstock of Japan if not of the world, which is a very healthy thing. Yet sorrow and anger overcome the humor of it.

To begin the story we have to go back to our dinner for the Saitos on the evening of February 25. We sat down to two tables, thirty-six in number, and wishing to give the old gentleman and our other guests something out of the ordinary in the matter of entertainment I had seen several films at the Metro-Goldwyn-Mayer studio during the past few days. On the last afternoon, Shathin showed me Naughty Marietta, with Jeanette MacDonald and Nelson Eddy and I decided at once that the ideal picture had been found, for it was full of lovely old Victor Herbert music, beautiful scenes, a pretty, romantic story and no vulgarity whatever, almost as good a film as One Night of Love.

Almost immediately after dinner the film began. We put Viscount Saito in a comfortable armchair, knowing that if he was

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bored with a film he could comfortably sleep because he had told Neville that he had learned in the Navy to catch a nap at any time and under any circumstances. But I think he enjoyed it too much to sleep. We had a pause with refreshments halfway through and then continued, nearly two hours of film. Betsy Neville said that the Japanese ladies' eyes were distinctly red at the end of it, so I think they were moved by the romantic story. There was supper afterward, but the Saitos left at about 11:30, pretty late for them because they generally leave dinners punctually at 10. I saw the old gentleman out and that was the end of a friendship which began when I made my first call on him as Prime Minister and Acting Minister for Foreign Affairs in June, 1932.

It is interesting to think that he began his great career with Americans--with Admiral Schley and at the Naval Academy at Annapolis--and finished it at the American Embassy. He was a lovable character, gentle, charming, courtly, but with great wisdom and broad liberal views in an age of chauvinistic strife. I had hopes that he would be able to use his influence in settling the school crisis in Korea, arising out of the demand of the petty authorities that both Christian pupils and teachers worship at the Shinto shrines--a demand which may result in the closing of all our mission schools if persisted in. He always supported our missionaries. But now his wise influence has gone and who knows what the future will bring?

The telephone rang early on the 26th--it was Neville, I think--who broke the news of the assassinations during the early morning--wild rumors that the insurgents had taken over the Government and parts of the city--no one knowing who had been killed and who survived or how intensive the insurrection might be. Our first telegram was sent in the morning and was acknowledged by the Department, six hours in transmission. During the four days of revolution we had scouts constantly moving about the city, especially our Military Attache, Colonel Carey Crane, and his language officers, observing developments to the best of their ability. On the very first morning Neville quietly walked through the lines of troops, politely telling the soldiers in Japanese that he wanted to go to the Foreign Office and being passed through with equal courtesy; I think he was probably the only foreigner who got to the Gaimusho that first day--and he did it twice.

That night Alice was nervous lest the American Ambassador might be included in a sort of supplementary program of the revolutionists and insisted on our sleeping in an unusual room and nearer to the baby; I fear she didn't sleep very much at all but I laughed at her fears, well knowing that the last thing the insurgents wanted was trouble with the United States at this particular

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juncture. The next day our Embassy was heavily guarded with troops, outposts, and sandbag barricades below the chancery, as well as three detectives (including our friend Iida from the police station) and two soldiers inside the house, and whenever I descended to the chancery they insisted on coming too.

The Mexican Minister came into town from the country the first day and couldn't even get into his Legation and telephoned to me for help; I did my best through Horinouchi, but the Foreign Office was completely powerless and the Minister seemed to be satisfied with my efforts, unavailing as they were. The rebels were situated in the official residence of the Prime Minister and the Sanno Hotel, very near us, and their banners floated from both buildings; we watched developments through glasses from our roof.

The Japanese Government quietly made all military preparations to capture or kill the rebels, meantime maintaining the most perfect discipline and order in the city, and then waited for two days until they surrendered little by little, in small groups, as a result of broadcasts, leaflets dropped from airplanes into the grounds of the Prime Minister's residence and the Sanno Hotel, and a big streamer attached to a balloon, all stating that the Emperor called on the men to return to their barracks, where they would be pardoned because they had been misled, that their parents and brothers and sisters were weeping at the thought of their disobeying the Emperor, and that unless they disbanded they would be shot. This had precisely the desired effect and the whole thing was settled with very little, if any, shooting except for the original assassinations. I should call this anything but barbarism.

We now know that when the last soldiers had left the Prime Minister's residence and the Sanno Hotel, the officers who had engineered the revolt finally surrendered after four days and that the Government gave them two hours to commit hara-kiri. But they didn't commit hara-kiri because they expected civil trials as in the case of former assassins and they fully intended to use the courtroom as a forum to stir up the people against the Government. It must have been a great shock to them when they were tried by court-martial and several of them sentenced to death and shot.

The story of one incident, that of the attempt to kill Count Makino, is deeply moving. The old gentleman was staying at a hot-spring hotel in the country when an officer and several soldiers arrived in the middle of the night to assassinate him. According to the story which reached me, and I believe it to be true, Count Makino's guard shot and killed the officer and was himself killed by the soldiers, who then set fire to the hotel with the intention of forcing Count Makino into the open. Behind the hotel was a precipitous cliff and the old gentleman was led by his granddaughter Kazuko and trained nurse up onto a ledge on the cliff from

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which they could climb no higher. They were shortly lit up by the fire as if a flood light had been turned on them and the soldiers raised their guns. At just that moment, however, the little granddaughter, who was a lovely girl and a great friend of our daughter Elsie, spread her own kimono in front of her grandfather and the soldiers, being deeply moved by this heroic gesture, dropped their guns and did not shoot. I have always felt that little Kazuko was one of the real heroines of the February 26 incident and she certainly saved her grandfather from death.

JAPAN'S NEW ERA BEGINS

March 1, 1936

The period of the insurrection lasted only four days and yet we in the Embassy feel as if an era had passed since that happy evening when we had the Saitos and Suzukis under our roof last Tuesday. If time is measured by events, certainly an age has gone by since then. Such things are occurring in many parts of the world from time to time, disasters of one kind or another whether caused by the forces of nature or by the hand of man, and the rest of us look on objectively. We read the morning paper and say "What an awful catastrophe" and pass on to our daily tasks and thoughts, not greatly moved. It is only when such things occur in one's midst and when violent death and heroic action take place among one's friends and almost at one's door that the shock really comes home and remains.

Gradually, from the accounts of friends, we can now reconstruct the way the assassinations took place, and not only do the stories redound to the credit of the men but they show the true stuff of Japanese womanhood--how Viscountess Saito placed herself in front of her husband, said, "Kill me instead; my husband cannot be spared by the country," and actually put her hand on the mouth of the machine gun until her wounds forced her aside, and how Mrs. Watanabe lay down with her husband in her arms so that the assassins had to force the gun underneath her body.

The story of Admiral Suzuki should live in history; Captain Ando, pointing his revolver, discussed the situation with him for ten minutes and when the discussion faltered, Suzuki asked: "Have you anything more to say?" Ando replied: "No, sir." "Then shoot," said Suzuki, and Ando fired the three shots. One grazed his skull but failed to penetrate the brain, one went through the chest and lungs, and the third lodged in the leg. The chest wound was the serious one and the Admiral lost so much blood that only blood transfusions could save his life. It looks now as if he might pull through. Takahashi's murder was the really brutal one: .. not content with shooting, the rebel officer hacked him with his sword--and then apologized to the household for the "annoyance"

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caused.

Well, we must carry on and try to see what it is all going to mean. One thing emerges as absolute certainty: there must be a "New Deal" in Japan or the same thing will happen--as predicted by the defense counsel in the Aizawa trial--again and again. I have confidence in Hirota, but he is saddled with one of the most difficult problems which any man ever faced. He has a tremendous opportunity, in some ways the same opportunity which confronted Franklin Roosevelt when he took office, and if he can deal effectively and successfully with the problem he should go down in history as a very great statesman.

It is easier to understand how such things as the incident of February 26 can occur in Japan if one stops to think that the history books upon which the Japanese youth is brought up are full of the records of just such deeds from the earliest times--assassinations or suicides for motives of revenge or loyalty to one's chief or the assumption of responsibility for a given situation. Paradoxically--and Japan is a country of paradoxes--these young officers held that they were acting in the interests of the Emperor, ridding him of the alleged nefarious influences around the Throne, men whom the Emperor himself had chosen. And there was no personal animosity involved. When they had killed Saito and Watanabe and Matsuo (mistaken for his brother-in-law, the Prime Minister), they called for incense to burn beside the bodies; in the Takahashi house no incense could be found, so they insisted on placing lighted candles beside the murdered statesman. If these things are to be prevented in future, not only will a social and economic New Deal have to be brought about within the country, but Japanese education in the schools and in the Army will have to undergo a radical alteration.

One of the pleasant things which emerged from the incident was the absolute unity of the Embassy staff as a single team both in action and spirit. This included the Naval, Military, and Commercial Attaches, and their several assistants who worked with the rest of us, hour by hour, in the closest co-operation, pooling their observations and information for the good of the whole, without any special thought of their own departments. Although all our nerves had been pretty well tried by the end of the four days, there was never a sign of irritation or friction on the part of anyone. Of course it is easier to weld such a group into a unit in a place like Tokyo than in London or Paris, and we certainly have unity here. Our staff is made up of all sorts of heterogeneous types and characters, yet no club membership could be more congenial. One of the secrets, I think, lies in the fact that any group of men who play together a lot will almost certainly work well together too.

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HOW PREMIER OKADA ESCAPED ASSASSINATION

March 2, 1936

The facts concerning the escape of the Prime Minister now seem to be fairly well established. Early in the morning of February 26 the alarm bells in the official residence rang (as they once rang by mistake when Alice and I were dining with Viscount Saito when Prime Minister some four years ago and the report got around that we were being assassinated). Admiral Okada looked at his watch and remarked to his brother-in-law, Matsuo, who was sleeping in the same room: "Well, my last hour has come but I won't die in pajamas." Matsuo replied: "Your life is too valuable to be spared," and while Okada dressed, Matsuo ran downstairs and into the garden, shouting "Banzai," where he was pursued and promptly killed, being mistaken for Okada in the early-morning light.

Five of the police guards were shot and killed at the entrance and one wounded. Okada was pushed into the servants' quarters and shut in a closet. There he remained until the next night, when Matsuo's body was removed and Okada, disguised, simply walked out with the mourners. I should say that Matsuo was the real hero of the whole rebellion because, while there were plenty of brave and loyal police who met death in trying to protect their charges, they were acting in line of duty and Matsuo's action was spontaneous altruism.

HIROTA REORGANIZES

March 5, 1936

Cabled to the Department that Hirota has been commanded by the Emperor to form a cabinet. I am very much pleased because I believe that Hirota is a strong, safe man and that while he will have to play ball with the Army to a certain extent, I think that he will handle foreign affairs as wisely as they can be handled, given the domestic elements which he will have to conciliate. I think too that he wants good relations with the United States and will do what he is able to do in that direction--in other words, as much as any Japanese Minister could do. If I had had the pick myself, I know of nobody whom I would have more gladly chosen to head the Government, with American interests in view. To have chosen an out-and-out liberal would have been fatal because any Prime Minister at this juncture must absolutely possess the confidence of the Army and Navy if he is not to be hamstrung at the start.

To our astonishment, Hirota immediately announced the make-

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up of his new cabinet, including Yoshida as Minister for Foreign Affairs, and the press said that Yoshida was acting as his chief of staff in choosing the various Ministers. This seemed to us precisely like waving a red flag at a bull because not only is Yoshida a pronounced liberal but he is the son-in-law of Count Makino. But naturally the Army wouldn't accept him for a moment, and it was soon announced that Hirota had run into hot water and was having difficulty in forming his cabinet and that General Terauchi, his choice for Minister of War, would not serve unless a radical alteration were made in Hirota's slate.

I can't imagine why Hirota made the announcement because he surely must have known that Yoshida would be impossible and it would seem to put him, Hirota, in a weak position to have to throw Yoshida overboard and revamp his cabinet at the Army's dictation. There must have been some deep-seated purpose in the maneuver, possibly to place squarely on the Army the responsibility for tampering with Hirota's foreign policy. To anticipate a little, it took Hirota four days to smooth out his differences of opinion with the Army and to submit to the Emperor his final slate in which he himself is to keep the portfolio of Foreign Affairs for the time being. Throughout all this time very little if anything has been heard from the Navy, publicly that is. It is said that no love is lost between the two forces and that during the uprising the Navy, which brought several ships up to Tokyo, said to the Army: "Settle the affair quickly or we will either settle it for you or pull out," and they did pull out almost immediately. I am told that they are, in fact, thoroughly ashamed of the Army's responsibility for the whole business. The story of Admiral Osumi's going to the palace the first day of the uprising surrounded by a large body of bluejackets and with two machine guns is perhaps significant.

HIROTA DEFINES "POSITIVE DIPLOMACY"

March 13, 1936

At 3 o'clock Mr. Hirota received me in the Prime Minister's official residence and while I was waiting to go in, Kishi, who has now been appointed Private Secretary to the Prime Minister, showed me the room where Okada slept and from which Matsuo ran out into the garden to his death. Hirota saw me alone without an interpreter. He said at the start that the policy which he has been following as Minister for Foreign Affairs would continue unchanged and that now that he was at the head of the Government this policy would always prevail. He said that he had the support of all members of the cabinet and that eventually he would select a Minister for Foreign Affairs upon whom he could count equally to support his policy.

I asked Hirota if he would define the term "positive diplomacy" which was now being aired in the press as the program of the

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new Government. Hirota said that this term applied only to China and Soviet Russia and it simply meant a general speeding up of the policy already followed. So far as Soviet Russia was concerned, the Army is dissatisfied with the great difference between the Soviet forces in Siberia and the Japanese forces in Manchuria and they wish the latter-referred to as "defensive forces"--to be built up to a point more nearly approximating the Soviet forces across the border. He said, however, that a Soviet-Japanese war would be stupid because neither party could be expected to accomplish concrete results and he assured me that there would be no war so long as he is in office.

With regard to China, Hirota said that the three points already enunciated would form the basis for future Sino-Japanese negotiations and that these points had already been accepted by the Chinese Government in principle. At my request he defined these points as follows:

a. A stop must be put to anti-Japanese activities and propaganda in China.
b. It is understood that de jure recognition of Manchukuo by China at present would be difficult and it is not demanded, but what is desired is recognition of the existence of Manchukuo and regularization of such factual relations as customs, communications, transit, et cetera.
c. Sino-Japanese co-operation is desired to combat the spread of Communism.

I told Hirota that it would be helpful if he could authorize me to reassure my Government that the pursuance of Japan's policy in China would not interfere with foreign rights and interests, including the principle of the Open Door. The Prime Minister said that there would be no tampering with the principle of the Open Door by Japan and that, so far as he could see, the only possible way in which foreign rights and interests might be indirectly affected by Japan's policy would be through the possible relinquishment by Japan of her extraterritorial rights some time in the future.

Before leaving I took occasion to speak to the Prime Minister, on my own initiative and not under instructions, about the difficulties which the Government in Washington is encountering through the increasing flow of cheap Japanese goods into the United States; I spoke of the co-operative efforts which were being made between the Department of State and the Japanese Embassy in Washington to solve these difficulties on a practical and equitable

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basis, but said that in spite of all efforts in this direction, our domestic industrial interests were bringing greater and greater pressure to bear on our Government and it might become necessary eventually to ask for more restrictive efforts by the Japanese Government.

Incidentally Hirota said during our conversation that, as he had told me at our first interview, good relations between Japan and the United States were the cornerstone of his policy and would continue to be so.

EXCERPT FROM DIARY OF FORMER UNITED STATES AMBASSADOR GREW, pages 169-181

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not used

Def Doc # 206 C 1

Exh NO

昭和二十一年十二月廿六日午前十時

提出書證第二〇六ー C（一）

電報ー歴史的の二通の電報

發信電報

ワシントン　國務長官宛

（三六）一九三六年（昭和十一年）二月廿六日午前十時

重は今日早朝政府及市を部分的に占領した、そして數名の要人を暗殺したとの報あり、併し未た何事も確認することが出來ない、新聞通信員は外國に電報を發し又は電話をかけることを許されていない

この電報は我か暗號電報か再發されるかどうかを確めるため、主として試驗電報として發信されるのだ、暗號室は返信次第直ちに知らせて下さい

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Dof Doc # 206 C 1

發信電報

ワシントン国務長官宛

至急

（三七）一九三六年（昭和十一年）二月廿六日

正午　第一部

大使館の三六、二月廿六日午前十時

一、前總理大臣齋藤、前内大臣牧野伯、侍從長鈴木大將、教育總監渡邊大將等が暗殺されたことは今や大体確からしい、また大藏大臣高橋及參謀總監が負傷したことも傳へられている、（註）

二、當地は政府諸官廳及官殿を含む地域の周圍に非常線を張り、當の通行券なくしては出入を許さない、諸官廳との電話通信もまた遮断された、株式市場は閉鎖された、

第二部

三、總理大臣岡田、内務大臣後藤及前陸軍大臣林も暗殺され大藏大臣高橋は負傷により死亡したと今傳へられている、大使館はこれ等の噂さの何れをも確認することが出來ない、

（註）寫眞第四、五、六及七號參照

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書證第二〇六ー(一)

四大使館の知る限り、混乱や市街戦はこれ迄なかつた、反乱に参加した軍隊の規律は完全のようで、人民の日常業務を妨げてはいない、併し反乱の性質及その豫想の結果が大使館に一層よく判明する迄は、大使館はそれを希望する人達は自宅に留まるよう勧めている、この事件には絶對的に何等排外感情は含まれていないようである

第三部

五、今朝各主要なる新聞社に簡潔版刷りの聲明書が各班を作つた兵卒達によつて、配布された、この聲明書は、現政府が本來の日本精神より遠ざかり天皇の大權を剥奪したと斷言していた、その證據としてこの聲明書はロンドン海軍條約の調印及眞崎大將の免職を擧げていた、なほこの聲明書は何時か消々漠然と述べて居り、ユーピー通信はそれを次の如く翻譯している「もしこの狀態にして放任されんか、日本と中國、露國、英國及合衆國との關係は一瞬間全の生質を及びて來るであろう」この聲明書には、共に東京赤坂の第三歩兵聯隊附の野中大尉及安藤大尉の署名があつた、この聲明書を配布した兵卒達の言ふ處では、今夕五時に更に聲明が發せられ、同時に新内閣が公布されるとのことである、大使館の通報者は或る憲法上の大權が停止されるであらうと信じている、彼はこの

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現狀をキューバのバチスタ非常手段に類似しているといった。

第四部（一幾略）

六大使館の確知せる處では、この反亂は陸軍の青年ファシスト分子により企圖された非常手段の性質を及びて居り、天皇側近の思想者であつた重臣の全部を殺し、かくして所謂昭和維新を成就せんとしたのである。尚人も天皇に接觸しこの重圖の計畫に干渉するが如き動令を發布するが如ぐるため、天皇御自身も多分宮城に拘留され、外部との連絡を斷たれて居らるであらう、陸軍のファシスト分子の態度を利用した永田少將の被害者相澤の裁判及最近の處刑にて更に自由主義者が意外に多數宮廷したことかこの反亂の直接原因らしい、最新の報告は海軍大臣大角大將か臨時總理大臣の位置に就いたことと及鳳崎大將かこの事件の主導者でのると傳へている、この運動は最後の幾細な點に至るまで、前以て完全な組織されていたらしい、（一幾略終り）

六大使館は相當信ずべき筋より收得の無論であることを今知つた。

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斎藤子爵の殺害

一九三六年（昭和十一年）二月二十七日

今は恐ろしい時であるそして私は痛ましい經驗をして今歸つた處です。即ち昨日彼が現に殺された斎藤宅を訪問したのです。私は多分彼が殺された と同し室であらうにが床の上に敷布を掛けた彼の遺骸が横へられていた小さい室に案内され膝まづいて焼香をしそれから裏服の遺族に向い親愛なる斎藤子爵夫人と直面した。昨日彼女は身に受けた負傷を治療して病院にいたのだ。彼女は彼女の愛すべき夫の遺骸に附添うため、吊り腕して、無五

に飛び出して來たに違いない。彼女は私に彼の顔を見たいかと尋ねて敷布を除けた、小銃彈の痕が見えた一彼の受けた三十六個のうちの唯一の傷だ。併し彼は非常に安らかな顔をしてゐた。彼はいつも愛嬌のある笑を湛らしていた。そして彼の白髪は彼が彼の多くの高い役を勤め、有名な生涯に送ち得た榮譽とは全く別な品位を彼に與へた。暗殺のほんの數時間前に、彼は勇氣に快活にアリスの傍りに坐つて私共の食卓についていた。そして彼の夫人は私の次に、それから私と差し向いに鈴木大將が居つた。同大將は今負傷して垂死の狀態にあ

るのた。

今日私が敬意を表した時齋眞子爵夫人は私共二人がまた遊戯のそばに差し向いで坐つている間に、私に次のように語つた。即ち彼女の夫は以前に發聲映畫を見たことがなく、彼は我が大使館でやつた映畫が面白かつた、それで彼はかくも樂しい最後の晩を彼に與へて呉れたことを私共に感謝するよう彼女に望んでいるに違いないと、私は實際感動のあまり、アリスの同情をも傷へる以上に、何の慮答も出來なかつた。彼がその夜我が大使館を去つて行つた最句自分の平和な小さい日本の家庭で、騎丸と銃劍で、直ちに殺されることに——多分鈴木大將も同じ運命であらうが——なるのだとは誰が豫見することが出來たでせうか。これ等の暗殺は私共を愕然たらしめた——齋藤、高橋、渡邊死し、鈴木は多分致命傷を受けた。牧野子爵が免れたのは有難いことだ。彼は暴徒の一群が無慈悲に彼を殺さんと闖入するすぐ前に、警告を受け、彼の澁る避難所を見け出した。樽山は其後彼と話し、そして官の下より電話をかけて、私にそう告げた。與謝の別莊に居る西園寺公も、前以て避難したが東京に居つた前述の人達は全く警告を受けなかつたらしい

計 齋藤、七、參照

誰かが、晩餐の間に、私共の召使に電話をかけ、齋藤が、我が大使館を去る正確な時間を知らせて呉れと請求したのは、何か意味がありそうであつた。そして私共は、後程その番號を調へて見たら、地區警察署であることが分つた。彼等はある特別な報告を受けたのだらう。或はそれは單にいつもの用心深い依賴であつたかも知れない、多分後者であつたらう、兎に角、その夜、齋藤が、私共のもとに來てゐなかつたかはいづれにせよ事件の發生には無關係であつたらう。彼は深夜中前に元氣で去つた。そして翌朝五、六時迄は殺されなかつた。もし暗殺者が我が大使館に侵入したら、二重に怨るべきものであつたであらう。彼等はその暴力に關する限り、容易にそうすることが出來、また彼を私共の食卓で刺し殺すことも出來たのだもし彼等がそうした方が目的を一層容易に遂行することが出來ると感じたならば、かゝる行動の國際的影響などは、それら短氣者にとりては殆んど問題とするに足らなかつたであらう。彼等の團體の或る者、否恐らく全部が機關銃を備へていたであらう。私共大臣の場合には、國家に叛徒が侵入する前に數人の巡査が殪され、邸宅家にては全家族及召使等が全滅であつた。

悲劇の主要な點を綜合す。

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一九三六年一昭和十一年三月一日一

反動、前に起つたことは凡て今から見れば過去四日間の事件に比べると非常に些細なもので、それより前の日記の記事を促すような刺戟となるものはない。少しづつ私は二月二十六日―二十九日間に起つたことを取り纏めてみなければならない。最後の大団圓、即ち総理大臣岡田が、私共及外の殆んど誰にでも暗殺されたものと信じられていたのに、生きて貰もせず突然また現はれたのは、最も強烈なメロドラマといつた感がある、そしてこれにより確かに悲劇は、世界は兎に角、日本の笑草となつた。そしてそれは非常に健全な事だ。併し悲痛と憤慨のあまり、それを面白がる餘裕はなかつた。

話を始めから述べるには、私共は二月二十五日の晩高橋家族を主賓とした、私共の団欒に戻らなければならない。主賓三十六人は二つの食卓につ いた、そして余興に何かやつたことをやり、老紳士とその客達を喜ばそうと思つて、私は過去数日間はメトロ・ゴールドキン、メイヤ撮影所で数篇の映畫を見た。最後の日の午後シャテインは私にジャンネット・マクドナルド及ネルソン・エデイ出演の「白なマリエッタ」を見せて呉れた、私は直ちに理想的映畫が見付かつたと思めた。それは楽しい、香いヴイクタ ー・ハー・バートの音樂や、美しい場面、楽しい小説的物語がたつぷり織

込まれて居り、室内は少しもなく、殆んど「愛の一夜」の如く静寂な時刻であつた。

映画の殆んど直後、映画が始まつた。私共は藤子爵を、坐り心地のよい安楽椅子にかからせた。それは彼が滞在に居る間に何時でも、さたどんな場面に於てでも、居眠りが出來るようになつたと、彼はネヴィルに以前話したことがあるから、もし彼が映画に退屈を感じた時は、心地よく眠ることが出來ることを私共は知つてゐたからであつた。

併し私は彼が映画に興味を感じ、眠る處でなかつたと思ふ。私共は映寫半ばで休んで輕いものを食べた。それから二時間映寫が續いた。ステイネヴィルは映寫が終つた時、日本婦人達の目が明らかに赤くなつていたといつた、それで私は彼等がかの小説的物語に感激したと思ふ。後夕食があつたが、齋藤夫妻は十一時半頃辭去した。彼等としてはかなり遲時には晩餐會を去ることにしているから、彼等がこれが、私が一九三二年（昭和七年）六月に總理大臣秘書官時外務大臣としてかつたのだ。私は老紳士を見送つたそして初めての彼を、最初に訪問した時に始まつた交際の終りであつた。

彼がその偉大な經歷を、米國人と共に始め——シュリ大將と、そしてア

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ナポリス海軍大學に於て――そしてそれを米国大使館に於て終つたことは
考へても興味のあることだ。彼は優しい愛嬌ある、礼儀正しい、愛すべき
人物でかつたが盲目的愛国主義の今国の時代に於て、勝れた智力と、広い
自由な見解を持つていた。私は彼が下級當局者達の、基督教信仰の生徒も
敎師も、神社參拜すべきだといふ要求より生じた、朝鮮に於ける基督教危機
を、彼の感化力を以つて緩和せしむることが出來ると期待した――この要
求はもし例へまでも突つ張ると、我国經營の全部の宗教學校の閉鎖を來す
恐れがある。彼は常に我が宣教師達を支持した。併し今や彼の賢明な感化
力は失せた。將來如何なる事が發生するか計り難い。

實際が二十六日早朝鳴り響いた――早朝暗殺の企を傳へたのはネヴイルであつ
たと私は思ふ――反徒は京城及市の各所を占領したといふ流言蜚語を――そして誰が殺され誰が生
き殘つたか、又反亂が如何に激烈になるであろうかを知る者は一人もなかつ
た。私共の最初の實信は午前中に發せられ、
つた。これが傳達に六時間を要した。
革命の四日間、私共は偵察者を絶えず市中に
国旗武官ケアリ。クレイン及その書記官達に
の行動を目察せしめた。最初の朝ネヴイルは
丁事に日本語で兵卒に彼は外務省に行きたいと告げ、同様に丁事に

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たのだ。

私は彼が多分あの最初の日に外務省へ行つた唯一の外人だと思ふ。——

しかも彼は二度行つた。

その夜アリスは、アメリカ大使が革命当選の一週の補足的計画の内に含されていはしないかと、神経を高ぶらせた。そして私共がいつもと異つた室に居り、赤ん坊のもつと近くに居ることを主張した。私は恐らく彼女が全くよく眠られなかつたと思つたが、私は彼女の恐ろしかるのを笑つた、それは反使はこの特権の時代に、合衆国と問題を起すことは夢も欲しないからだ。

眠つたことを百も承知していたからだ。

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Exh NO

辯護側文書二〇六―一〇（一）續

翌日我が大使館は軍隊、前哨兵により記錄所の下には砂嚢を以て嚴重に警護され、又その上に三人の刑事（警察から來た我々の友人飯田氏を含む）及び二人の兵が、家屋の内部を警護した。そして私が記錄所に下りて行く度に彼等も同行する事を主張した。

第一日にメキシコ公使は田舍から歸京したとさへ出來ず、私に電話で援助を求めた。私は堀内氏を通して最等を査したが、外務省は全く無力であり私の努力は無效ではあつたが、公使はそれに滿足したやうに見えた。叛亂者達は我々の所から非常に近い總理大臣官邸及び山王ホテルに居て、彼等の旗はその二つの建物に翻つてゐた。

日本政府は最も完全な規律と秩序とを市内に保ちつゝ叛亂者達を我々は屋上から双眼鏡で事件の展開を見守つた。

し或は殺す爲に凡ゆる軍事的準備を靜かに整へた、而して彼等が放送を聞いたり、首相官邸及び山王ホテルの敷地内に飛行機から散布した印刷物や、氣球に附けた大きな吹流しを見た結果少數の集團を爲して少しづつ降伏するまで二日間待つた。それ等のものは總べて陛下が兵に彼等の兵營に歸るやうに呼び掛けられたもので、誤つた指導を受けたのだから兵營で彼等は特赦されるであらう又彼等の親兄弟姉妹は、彼等が陛下に叛逆してゐる事を思つて泣いて居り、又彼等が解散しなければ射殺され

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る事を述べたものであつた。これは全く希望通りの效果を擧げ、最初の暗殺の爲を除いては殆ど發砲する事なく万事落着した。私はこれを昼食行爲とは呼びたくない。

最後の兵邏が、首相官邸及び山王ホテルを引き上げた時、叛亂を操つた將校邏が、遂に四日後に降伏し政府は切腹の爲彼等に二時間與へた事を我々は今知つてゐる。併し、彼等は以前の暗殺者の場合の如く、民事裁判を期待し、又彼等は法廷を政府に對して利用する爲圖があつたので彼等は切腹をしなかつた。彼等が、軍法會議にかけられ、數名が死刑を宣告されて銃殺された時それは彼等にとつては大きな衝撃だつたに違ひない。

一つの事件、即ち牧野伯爵殺害の計畫の話は深く人を動かす、この老紳士が、田舍の溫泉旅館に滯在してゐた時、一人の將校と數名の兵が、彼を暗殺する爲に深夜到着した。私の聞いた話によれば、そしてそれは眞實だと信ずるのであるが、牧野伯爵の護衛はその將校を射殺し自かも兵邏に殺された。彼等はそれから、牧野伯爵を戸外に逐出す心積りで旅館に放火した。彼等は令孫和子嬢及び看護婦に依てそれ以上高くは登れない斷崖の突端へと導びかれた。間もなく彼等は恰も照明燈を向けられたやうに火事に依つて照らし出され、兵邏は銃を擧げた併し丁度その瞬間美しい少女で私邸の娘エルシーの仲よしであつた可愛い令孫が、自分の着物を祖父の前に擴げた、すると兵

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趣はこの英雄的な動作に深く動かされて銃を落し、發砲しなかつた。私は可愛い和子嬢は二、二六事件の眞の英雄の一人であり確かに彼女が祖父を死から救つたのだと何時も感じてゐる。

日本新時代始まる

一九三六年（昭和十一年）三月一日

叛亂は四日間で終つた。併し我々大使館員はこの前の火曜日に齊藤夫妻や鈴木夫妻とこの建物に共に集しく過した夕以來一時代が過ぎ去つたやうに感じる。若し時代を事件によつて測るなら、確にあれ以來一時代が過ぎ去つた。此のやうな事件、即ちそれが自然の力により或は人爲により起つたにもせよ、何等かの種類の災害は世界の各所で次々に起つてゐる。そしてそれに關係のないものはそれを客觀的に見つめてゐるといふ譯である。我々は朝刊を讀み「何と恐しい災難であらう」と言ふそしてひどく心を動かされることもなく日々の仕事又思索へと移つてゆく。衝撃が眞に胸に應へて存續するのはこのやうな事件が我々の身邊に起つたり又は劇激な死と英雄的行爲が我々の友人の間に然かも吾々の極く身近に家の入口で起つた場合に限る。

今や我々は友人達の話から徐々に暗殺の行はれた筋道を辿ることが出來るそして諸報道は男子邊の名譽をたかめるのみならず日本女性の眞隨

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をも示す。。。。齊藤子爵夫人は如何に夫の面に立ちはだかり「私を代りに殺して下さい夫は國の爲に替へがたい人です」と言ひ受けた傷で横に押しやられる迄尊貴機關銃の口に手をあててゐた。又渡邊夫人は夫を自分の腕で抱へて共に臥れたので暗殺者は銃を夫人の身の下に押しつけなければならなかつた。

鈴木大將の話は歷史に殘るべきである。安藤大尉は拳銃を向けたまゝ十分間彼と情勢を論じ何つた。談論が途絶えた時、鈴木は「もつと何か言ひたいことがあるのか」と尋ねたところ安藤は「もうありません」と答へたので「それなら擊て」と鈴木が言つた。そこで安藤は三發發射した。一發は頭蓋を擦つたがしかし腦には達しなかつた。一發は胸部肺臟を貫通し三發目の彈丸は脚部に入つた。胸部の傷は貫傷で大將はひどく出血したので纔血で漸く彼の生命を取止めた、現在彼は危險を通り越したのである、高橋の殺害は本當に殘虐そのものであつた。射殺しただけでは滿足せず叛亂軍將校は彼を自分の劍でつき刺しその後で家族に、起した迷惑について申譯ないと言つた。

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さて我々は更に溯けて一體總て如何云ふ事になるのか考へて見なければならない。　或一つの事柄が絶對的に確實なものとして吾々の眼に映じて來る。

即ち、日本に於て「新政策」が行はるべきである。　さもなければ相澤公判に於て辯護人が繰返し〳〵起るであらう。

私は牧田を信じてゐる併し彼はかつて誰も直面した事のない難問題の一つを負はされてゐる。　彼は素晴しい好機を持つてゐる。　それは或る點ではフランクリン、ルーズヴエルトが就任した時彼に直面したのと同じ好機である。　そして彼が其の問題を有效に首尾よく處理することが出來れば彼は一大政治家として歴史に殘るであらう。

日本の青少年の教育に用ひられた歴史の本は初期の時代から首長に對する復讐或は忠義或は與へられた地位に對して責任を取るといふ動機からの暗殺或は自殺などといふ記事で滿ちてゐるといふことを考へ出せば日本に於て二。二六事件の如き爭が如何にして起り得たか了解するのは容易である、逆説的に言へば――日本は逆説の國であるが――これらの青年將校は、天皇自身が選んだ、天皇側近の邪な重臣等を除かうとして天皇の爲に働いてゐるのだと信じてゐた。そしてそこには個人的憎惡は全然含まれて居なかつた。　彼等が鈴木、渡邊、松尾（義兄に當る首相と間違へら

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れた）を殺した時、死骸の傍に燃く香を出してくれと云つた。　高橋邸に於ては香が見當らなかつたので彼等は殺害された政治家の傍に火を點じた蠟燭を置くことを主張した。　この樣な出來事が將來記らぬやうにしやうとするたら國中に社會的經濟的新政策が遂行せられねばたらぬばかりでなく學校や冒險に於ける日本の敎育は根本的な變革を經るべきであらう。　この事件により起つた憤快感の一つは一つのチームとしての大使館員の行動及び精神兩面に於ての完全なる團結であつた。　これは大使館附海陸軍武官、商務官及びその數名の助を含んでゐた。彼等は少しも夫々の內部の事を考へず、全體の爲に親測情報を集め、密接なる協力の下に剩々我々と仕事をしてくれた。四日間の終りの頃には我々の神經は相當疲勞してゐたが誰れにも焦燥不和の色は見えなかつた。　勿論東京の如き所でこの樣な一グループを一部屋に結合させるのはロンドンやパリーに於てより遙に容易である。

我々館員はすべての異つた型、性格の人々から成つてゐる、まして如何なる俱樂部會員の關係も此以上親密なものはない。　秘訣の一つは共によく遊ぶ人々の集りは、又確に共に良く働く（であらう）といふ事實に存すると私は思ひます。

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辯護書證　第二〇六號C（一）　續き

岡田首相暗殺を免れる顛末

（一九三六年）

昭和十一年三月二日

岡田首相が暗殺を免れた事に関しその眞相が現在相當確實に分つて來たやうである。

二月廿六日早朝

首相官邸の警報の鈴が鳴つた。（かつて約四年前アリスと私が齋藤子爵と食事を共にして居た時何かの間違いで此警鈴が鳴つて私共が暗殺されてゐたと弘まつた事がある）」岡田大將は彼の懐中時計を見て同室に憲て居た義弟、松尾に向つて言つた「さあ私の最後の時が來た、然し慶卷のないでは死ねない」「今兄さんの命はとても大切だ死んではいけない」と松尾は言い返した。

首相が着換へて居る間に松尾は二階から駈け降りそれから庭に飛び出した。そこで追いかけられた後早朝の薄明りに首相と見誤られ、萬歳を叫びながら彼は殺された。

護衛警官の中五名は入口で射撃されて死し、一名は負傷した。岡田は使用人の室に入れられ押入に閉ち込められた。彼は次の夜、松尾の死體

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が運び去られる時迄そこに止つて、首相は葬儀者と共に徒歩で出て行つた。松尾は此叛亂事件全般中に於ける眞の英雄であつた と言はなければならない。

外にも自分の護衛すべき人々を守らうとして生命を失つた勇敢且つ忠誠な警官は數多くあつたが、それは彼等の職務上の行爲であつた。然るに松尾の行動は自發的であり愛他的主義によるものであつた。

廣田の再組閣

(一九三六年)昭和十一年三月五日

陛下から廣田に對し組閣の大命が降下した事を國務省に打電した。

私は廣田が強力な安全な人物である事を信ずるので大に嬉しく思ふ「或程度彼は陸軍とも交渉しなければならぬが外國との事柄も國内の人々とも融和しなければならぬが國内要業を與へられるならば出來るだけ賢明に取り扱ふものと考へる。」

廣田はアメリカ合衆國と友交關係を欲し其方向に向つて出來るだけの事をやる換言すれば日本の大臣が爲し得るだけの事をやるものと私は考へる。私が人選するとすればアメリカの利害から見て私は廣田以外に政府主腦として進んで選ぶべき人物を知らない。徹底的自由主義者を選んだなら致命的であつたであらうなぜなら此際誰が首相になつても首相として最初から不具的にされぬためには絶對に陸海軍の信用を持たなければ

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ならぬから。

驚いた事には廣田は直に吉田を外務大臣とする新内閣の組織を發表した。新聞は吉田が外の閣員を選擇する主腦となつて活動して居ると報告した。吉田が著名な自由主義者であるばかりでなく彼は牧野伯の女婿であるから彼を外務大臣とする事は正に牡牛に向つて赤旗を振ることと我々には思はれた。然し當然陸軍は暫時でも彼の就任を認めようとしない。間もなく廣田が組閣上非常な窮境に陷つた事、陸軍大臣として彼が物色した寺内大將は廣田の候補名簿に根本的變更が加へられぬ限り就任しない事が發表された。

私は廣田が何故あのやうな發表をしたのか分らない。何故かと云ふと吉田が適任者でない事又陸軍の指圖で吉田を内閣から追放し内閣を改造しなければならぬならば自分が弱い立場となる事を廣田は確かに知つて居た筈である。此工策は何か根本に深い目的があつてやつたに違ひない、廣田の外交方針に干渉する陸軍に共責任を全面的に負はせる目的であつたかも知れない。

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少し急いで、云ふと、陸軍との意見の相違點を調整し當分外務大臣の職を彼自身擔當するとして閣員名簿を陛下に捧呈するまでに四日を要した。此全期間中海軍側から殆んど何の話も公的には聞かれなかつた。

陸海軍の間には好感は存在して居なかつた事又今次の叛亂に際し東京灣に敷設の軍艦を回航して來た海軍は陸軍に向つて「問題を早く解決せよ、さもなければ海軍が陸軍に代つて解決するか又は軍艦は東京灣を出航する」と云つたがそれから殆ど直ちに軍艦は出航してしまつたと云はれる。實際の處海軍は陸軍の今回の事件に對する責任に就き深く恥じ入つてゐると私は聞いて居る。大角大將が叛亂第一日水兵の大部隊及び二臺の機關銃に圍まれて宮城に參內した話は恐らく最も重要な事であらう。

廣田「積極外交」を定議す

（一九三六年）昭和十一年三月十三日

三時に廣田氏は私を首相官邸で迎へた。私が入らうとして待つて居ると今回首相の秘書官に任命された岸が岡田の寢てゐた部屋即ち松尾が庭に飛び出して殺された部屋を私に見せてくれた。廣田は通譯なしに一人で私に面會した。先づ第一に彼は外務大臣として實行して來た方針を相變らず繼續し又彼が首相となつた今も此方針が常に續けられると言つた。全閣僚が彼を支持して居る事及び何れ自身と同樣に彼の方針を支持し彼の信頼出來る

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Def.Doc.#2203-J(1)

人物を外務大臣として選擇すると彼は語つた。

目下新聞紙上に見受ける「積極外交」を定義するやう私は廣田に求めた、廣田は此言葉はたゞ中國とソヴイエットロシアだけに適用する言葉で單に今迄の方針を一般的に促進する意味に過ぎないと廣田は言つた。ソヴイエットに關する限は、陸軍はシベリアのソヴイエット軍と滿洲の日本軍の間に甚だしい差のある事に不滿を抱いて居り、陸軍は後者を防衛軍と云つて居たがこれを國境外のソヴイエット勢力に今少し近い程度に增强する事を要望して居る"然し、日露兩國ざ"ちらも具体的效果を擧る事は期待し得ぬから日露戰爭はより遠ないと廣田は語つた。又彼の在任中は決して戰爭が起らぬと私に保證した。

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中國に關しては既に言明した三點が今後の日本、中國間交渉の基礎になる事及び此三點は既に原則として中國政府の承認濟みなる事を廣田は語つた。

私の求めに應じ、廣田は次の如く是等の點を明確にした。

(イ)中國内の排日的活動は宣傳は中止せしめられなければならぬ。

(ロ)現在の中國が正式に滿洲國を承認する事の困難は分る。それは要求しないが滿洲國の存在に對しては承認を求める、又關稅、通信、通行通路等の事實上の關係の規定が望ましい。

(ハ)中日兩國の協力して共產主義の擴大を防止する事が望ましい。若し廣田が中國に對する日本の政策遂行は門戶開放の原則を含めて外國の權益及利害關係を害さぬものであることをアメリカ合衆國政府に向つて再び保證する旨確約して頂けるなら好都合であると私は廣田に告げた。

日本が門戶開放主義を置すものないと又廣田の所見では日本の方針によつて外國の權益及び利害關係が間接に影響を受ける場合ありとすれば、それは日本が將來何時か治外法權を放棄するかもしれぬ場合だけであると廣田は語つた。

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Doc. Doc. 813—C (1)

は六リ力迄に日
話政カ的此儘で六の去
し府門経用る出すす
た。が内力に日方便る前、
現のに日方にな商品が指令
在蔵関わに商品が指令
以綿し傳統て決て品指令
上関て決て首相が綿に
側係話し為相綿にな上
限当し、めに増らず
すは癌且加流た、
るや、務省て流入、私自
う化は方及尻た。る自身
森げ方向びた十私
力し向にワ行の米
すらにン行の米
る改於トン町改政
苏府て全ンの党改政
が全力の日と府
必迫をの日と公
要つ鎖本公平
トて水し大平
なて水た信
るてた信を
かに信基
も基を
知るを拘
れ拘の
ぬ拘ら
と局ら
弘局て
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日

グルー元米国大使の日誌抜萃
（一九四一―一九四二）

彼は六リ力迄に日方便る前、
話政カ的此儘で六の去
し府門経用る出すす
た。が内力に日方にな商品が指令
現のに日方にな商品が指令
在蔵関わに商品が指令
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トて水し大平
なて水た信
るてた信を
かに信基
も基を
知るを拘
れ拘の
ぬ拘ら
と局ら
弘局て
メ松て
日メ松
メ松
日

彼の政治的手腕は、日米関係が
破局に陥る前、これを救うため
に最後の努力を払ったことに
よって、十分に証明されている。
彼はまた、日本の軍国主義者
の野望を見抜いていた数少な
い人物の一人であった。

PURL: http://www.legal-tools.org/doc/510ac6/

not used

Defense Document No. 206-C(3)

CHECKING IN WITH OTHERS

November 30. 1936

During my call today on the Prime Minister to pay my respects on returning from leave of absence, the conversation at first entered upon the recent election in the United States and the assurance that the general foreign policy of the present administration, including the policy of the good neighbor, would be continued for another four years. I spoke also of the Harvard Tercentenary celebration and the Japanese art exhibition in Boston.

When I asked Mr. Hirota how things were going in Japan, he replied that his greatest difficulty at present had to do with taxation. He said that the Japanese Army and Navy were seriously disturbed at the great increase of armaments in Soviet Russia which exceeded even the military organization of the czarist regime, and it was largely owing to these increasingly heavy Soviet armaments that the Japanese Army and Navy were calling for greater increases of armaments in Japan, which in turn led to the necessity for higher taxation.

Since Mr. Hirota on his own initiative had touched upon foreign affairs, I then asked him concerning the reports in the press about an agreement between Japan and Italy. He replied that no agreement existed. The simple facts were that Italy was going to open a consular office in Manchukuo and Japan would eventually do the same in Abyssinia and that this was all there was to it.

The Prime Minister then said that as regards China the negotiations were proceeding very slowly and that they were still based on the three points which he had formerly enunciated, particularly the demand that anti-Japanese activity in China should cease and that steps would be taken to combat Communism. I asked him about the reports to the effect that the Japanese demands included tariff questions and also the appointment of Japanese advisers. Mr. Hirota said that these points had also come up: that the question of the tariff had already been settled and that as regards Japanese advisers, the simple fact was that other countries had many advisers in China whereas Japan had none and that the Japanese merchants in China were pressing for the appointment of such advisers. Mr. Hirota said definitely that such advisers would be purely economic and not political or military. He said that obviously the Chinese Government was in a difficult position regarding the Bolshevist menace because there were so many Communists in China itself.

EXCERPT FROM DIARY OF FORMER UNITED STATES
AMBASSADOR GREW, page 190

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Dof. Doc. #2059(3)

廣田との談話手合せ

一九三六年十一月三十日

余は本日腸窒歸朝歸任挨拶の爲め總理大臣を往訪の際談は偶々米國に於ける最近の選擧及亞米利加現政府の善隣政策をも含む一般外交政策は向後四ケ年間は依然として確かに引き續き行はれるだらうと云ふ事に及びました。余は又ハーバード大學三百年祭典やボストンに於ける日本美術展の事に言及しました。

余は廣田氏に此間日本の情勢は如何なりしやを訊ねましたが彼は彼が目下一番苦勞して居る事は課稅問題であると言へ尙日本の陸海軍は露聯が「ザア」時代の軍組織をも凌駕する樣子を軍備の擴張を爲して居る事に關し痛切に頭を惱まして居る事、而して此露聯の軍備擴張の爲の日本の陸海軍も亦其軍備を擴張せざるを得ざるの羽目にあり、從つて之が爲により公平な課稅の必要に迫られて居る事を語りました。

廣田氏は自ら進んで外務をも擔當して居たのですから余は日伊協定に關

PURL: http://www.legal-tools.org/doc/510ac6/

Def. Doc. #2060 (3)

シエヴイスムの恐威に關し著るしく困難な情勢に置かれてある事等を語りました。

前米國大使グルー氏日記一九〇頁抜萃

PURL: http://www.legal-tools.org/doc/510ac6/

する新聞情報に就いて彼れに尋ねましたら彼は右の如き何等協定も未だ成立し居らず只伊太利が滿洲國に領事館を創立する手筈となつて居り日本と亦都合ではアビシニアに同樣領事館を創立する事になるでせう、日伊間には目下只此丈けの事外ありませんと答へました。

尊で總理大臣は支那との交渉が非常に遲々として進まざる事、本交渉は彼が已に言外した三點殊に支那に於ける反日行動の中止及び支那が共產黨打倒の爲め何等かの工作をなすべしと云ふ此要請に重點を置いて居る事等を語りました。余は更に日本の要請中には關稅問題や日本人顧問の任命等をも含んで居るとの情報に就いて彼に尋ねましたら、彼は此等の問題も上場した事、關稅問題は已に解決を見た事、日本人顧問問題に關しては外國では已に顧問を支那に送つて居るのに單り日本のみ未だ其任命を見て居ないのだから在支日本商人は顧問任命の一日も早からん事を慫慂しつゝあると云ふ事。

又此の如き顧問は單に純經濟的のもので政治的又は軍事的のものでない事を判然と語り而して支那政府は支那にも多くの共產黨が居るのでボル

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Def. Doc. #2060 (3)

シエヴイスムの恐威に關し著るしく困難な情勢に置かれてある事等を語りました。

前米國大使グルー氏日記一九〇頁拔萃

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Defense Document No. 206-C(4)

AN AMBASSADOR DETECTS A GERMAN-JAPANESE ALLIANCE

December 3, 1936

An ambassadorial colleague told me today that there is no doubt in his mind that the German-Japanese treaty includes a secret military agreement.

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EXCERPT FROM DIARY OF FORMER UNITED STATES AMBASSADOR CREW, page 191

PURL: http://www.legal-tools.org/doc/510ac6/

not used

Def. Doc. #206(C) -4

大使　日獨同盟を看破す

一九三六年十二月三日

大使の一同僚が日獨條約が秘密軍事協定を含む事は疑を入れないと
今日私に語つた。

前アメリカ大使グルーの日記よりの抜萃（一九一頁）

PURL: http://www.legal-tools.org/doc/510ac6/

not used



Defense Document No. 206-C(16)

WHEN JAPANESE-AMERICAN RELATIONS WERE NEVER BETTER

February 12, 1937

This afternoon Alice, having a cold and feeling poorly, stayed at home while I did the family duty by going to a reception at the Chinese Embassy, and it was worth while because it gave me an opportunity for a long and intimate conversation with Amau. Amau said that he thought that Japanese-American relations had undergone a great change in the last two or three years and that Japan's attitude toward America was very different from that of three years ago. He said that there were really no important issues pending between us at the present time and he thought it very significant that the speech which the Minister for Foreign Affairs is about to make in a few days is going to state that Japan desires the most friendly relations with both the United States and Great Britain; so far as the United States is concerned he will stop right there, but so far as Great Britain is concerned he will continue to the effect that current controversies can be settled by diplomatic negotiations. In other words, said Amau, the absence of comment with regard to the United States would indicate that there are no prime issues worth mentioning.

I said I thought that this situation was in large measure due to Mr. Hirota and his efforts in curbing the Japanese press, which had caused so much trouble in times past in its bitter comment about the United States; these comments were repeated by correspondents to America and of course the American press took them up there, causing a vicious circle all around. Amau then told me of his own efforts in this direction and how in the weekly meetings with representatives of Japanese journals he had tried to influence the editorial writers to lay off bickering with the United States. In this respect he had been rather successful. I told Amau that although I had ascribed the credit for our improved relations to Hirota I knew very well that he himself had had an important hand in this development.

* * * * *

EXCERPT FROM DIARY OF FORMER UNITED STATES
AMBASSADOR GREW, pages 205-206

PURL: http://www.legal-tools.org/doc/510ac6/

Not used

Exh;NO　　Pef;Doc;#206-a(16)

日米關係が最も良好であつた時
一九三七年二月十二日
今日午後アリスは風邪をひいて氣分が悪く家に引籠つて居たので、予は支那大使館の招待會に臨んで一家の役目を果したのだが、天羽と長い間懇談する機會を得たので行つた甲斐があつた。天羽は日米關係が過去二三年間に非常な變化を來し又日本の對米態度も三年前の態度とは著しく變つて居ると語つた。現在のところ兩國間には實際懸案になつてゐる重要問題はない、又近い中に外務大臣がすることになつて居る演說は日本が合衆國及英國の兩國との至上の親善關係を希望する旨述べんとして居るのであるが、これを甚だ意義深く思ふ事、合衆國に關する限りに於ては大臣は現狀に停止するが、英國に關する限りでは現在の紛爭が外交々涉により解決することが出來るとの建前で進むだらうとも語つた。言葉を換へて云へば、合衆國に關して何も云つて居ないといふことは言及に値する程の主要な問題が無いといふことを示す譯であると天羽は云つた。予は今日の情勢が廣田氏と氏の日本新聞抑制の努力に俟つところ極めて大なるものがあると思ふ。日本の新聞は過去に於て合衆國を痛擊して多大の紛議を惹起したもので、其の言說は通信員に依つて亞米利加に反復

PURL: http://www.legal-tools.org/doc/510ac6/

Def,Doc,#206-C(18)

せられ、米紙も勿論これを採上げて到る處に惡循環を生ずるに至つたものであると話した。そこで天羽は此の點に就ての自分の努力を語り、日本の新聞代表者との毎週會見の席上彼が如何に合衆國に對する爭論を中止する樣編輯者を動かさんとしたかを語つた。此點に就ては天羽は成功して居た樣である。予は我國との國交好轉は廣田の功績に歸するものとしてゐるけれど、貴下御自身も此の好轉に重要なる役目を果されたことを充分よく知つて居ると天羽に話した。

前合衆國大使グルーの日記二〇五－六頁より拔萃

PURL: http://www.legal-tools.org/doc/510ac6/

not used

Defense Document No. 206-C(17)

WHEN JAPANESE-AMERICAN RELATIONS WERE NEVER BETTER

February 12, 1937

* * * * *

I said I thought that Japan was at present in a very critical position and that she really stood at the parting of the ways; Amau agreed with me and said that this was why a moderate cabinet had been appointed at the present time. On the whole this conversation seemed to me significant because Amau emphasized so distinctly the fact that the present cabinet is moderate and it looks at present very much as if this might prove to be the case.

EXCERPT FROM DIARY OF FORMER UNITED STATES AMBASSADOR GREW, page 206

PURL: http://www.legal-tools.org/doc/510ac6/

Def. Doc. # 206-C(17)

Put under

グルー元米國大使　日記抜粋　（二〇大頁）

（一一〇）

私ハ斯クセルガラハ明ラトガヒレラレ云日ヒルタカタツ本。ニノタハサ強デニ現ウ開ア對在シンルヤ非常テ天ト語初ニ危ノデツハ私險ナ七ニナ立同ラ初蔵場見ガシニ現ソアリ内ヒリ窓ノ開ガ窓宜会ハ故宜ニ分ク能今能ニ月私デ同點健ニア確立ア有トナツテ派イルテ居ウデコ開ルトガ任考ヘ命斯クセルガラハ明ラトガヒレラレ云日ヒルタカタツ本。ニノタハサ強デニ現ウ開ア對在シンルヤ非常テ天ト語初ニ危ノデツハ私險ナ七ニナ立同ラ初蔵場見ガシニ現ソアリ内ヒリ窓ノ開ガ窓宜会ハ故宜ニ分ク能今能ニ月私デ同點健ニア確立ア有トナツテ派イルテ居ウデコ開ルトガ任考ト思ケハ	關係側文書第二〇大一〇頁） 日米關係親善 一ノ位メタ 九三七年頃 （昭和十二年） 二月一二日

PURL: http://www.legal-tools.org/doc/510ac6/

not used

Defense Document No. 206-D(1)

THE CHINA INCIDENT BEGINS

July 8, 1937

Fighting has broken out at the Marco Polo bridge not far from Peiping between Chinese and Japanese troops. Not clear who started the trouble, but Nelson Johnson says that considering the fact that the Japanese conduct maneuvers close to a Chinese garrison it is only surprising that such an incident had not occurred long ago.

EXCERPT FROM DIARY OF FORMER
UNITED STATES AMBASSADOR GREW,
page 211

PURL: http://www.legal-tools.org/doc/510ac6/

Rejected
Rey R.20797

Defense Document No. 206-D(2)

AMERICAN AND BRITISH REPRESENTATIONS

July 14, 1937

The Japanese and Chinese representatives in Washington yesterday called at the Department and the opportunity was taken to express our hope that both sides would exercise restraint. The British Government was informed of our action and the following press release was issued by the Department:

> The Japanese Ambassador and the Counselor of the Chinese Embassy each called at the Department this morning and communicated information in regard to events in North China. In the course of the conversations which ensued both were given expression of the view that an armed conflict between Japan and China would be a great blow to the cause of peace and world progress.
>
> No reinforcements have yet left Japan.

EXCERPT FROM DIARY OF FORMER UNITED STATES AMBASSADOR GREW, page 211

Not used

PURL: http://www.legal-tools.org/doc/510ac6/

LEF DOC ir 206 D-2

not used

米、英兩國の申入れ

一九三七年七月十四日

ワシントンに於ける日華兩代表は昨日國務省を訪問したがその際我が方は兩國ともに自制せられたい旨の希望を明にした。國務省は此の處置を英國政府に通知すると共に次の如く新聞に發表した。即ち日本大使竝に中國大使館顧問は夫々本日午前本省を訪問華北の事件に關する情報を傳達せられたり、次いで行はれたる會談に於て吾々は兩國代表に對し日華兩國間の武力衝突は平和と世界の進歩とにとつて一大打撃となるであらうとの見解を表明せり。日本の增援軍はまだ出發してゐない

（前　米國大使グルー氏日記抜萃（二一一頁）

PURL: http://www.legal-tools.org/doc/510ac6/

Defense Document No. 206-D(5) not used

CHINESE BOMBS ON SHANGHAI HURT
CHINA'S CAUSE ABROAD

August 29, 1937

* * * * *

The bombing in Shanghai on August 14 was one of the most horrible episodes in modern times. The bombs fell indiscriminately, hitting the Cathay and Palace Hotels and killing hundreds of Chinese civilians gathered on the Bund and elsewhere. Bob Reischauer, the son of an American missionary, was fatally injured at the entrance to the Cathay and other Americans may have been killed or injured. I wrote to Dr. and Mrs. Reischauer in Karuizawa. Subsequently we received the most heart-rending first-hand accounts from refugees.

EXCERPT FROM DIARY OF FORMER UNITED
STATES AMBASSADOR GREW, page 216

PURL: http://www.legal-tools.org/doc/510ac6/

Not used

LFF DOC # 206 D-5

辯護書類　第二〇六号の(五)

中國側による上海爆撃は海外に於ける中國の立場を損ふ

一九三七年八月廿九日

八月十四日の上海爆撃は近代での最も恐ろしい出來事の一つであつた。爆彈は廣濶ばず落下してカセイ、ホテル及びパレス、ホテルに命中し、バンドなどに集つてゐた數百の一般中國人を殺した。一米國宣教師の息ボブ、ライシャウアーはカセイ、ホテルの入口で致命的重傷を負つたが其他の米國人も死んだり負傷したかも知れぬ。予は經井燈に居るライシャウアー夫妻に手紙を出したら後で避難者達から直接極めて痛しい話をいろいろ聞いた。

前米國大使グルー氏日記抜萃（二一六頁）

PURL: http://www.legal-tools.org/doc/510ac6/

not used

Defense Document No. 206-D(15)

HULL DENIES HIROTA'S CHARGES

November 17, 1937

The Department cabled us the full text of the Declaration adopted by the Brussels Conference on November 15.

The Embassy in Rome reports that a Havas dispatch from Tokyo gives the purported terms which Japan intends to impose on China and asks for our comment. We replied to the Department that the Foreign Office spokesman on November 15 described the reports as "entirely groundless."

Referring to my talk with Hirota, the Secretary cabled me that the words "united action" nowhere appear in the Declaration adopted by the Brussels Conference. Mr. Hull assumes that Hirota may have had in mind the last paragraph of that Declaration, which was phrased as follows:

> Though hoping that Japan will not adhere to her refusal, the States represented at Brussels must consider what is to be their common attitude in a situation where one party to an international treaty maintains against the views of all the other parties that the action which it has taken does not come within the scope of that treaty, and sets aside the provisions of the treaty which the other parties hold to be operative in the circumstances.

The Secretary also authorized me to tell Hirota from him that there is not an atom of truth in any report that we took the initiative in calling the Conference. Mr. Hull also understands that no Government at the Conference has done more than to assume its share of the common responsibility for an exchange of views and is astonished that any Foreign Office with the information publicly available could have any misunderstanding with regard to these facts. He asked me to tell Hirota of his appreciation of the latter's wish to maintain good relations with the United States, for which he, Mr. Hull, has constantly worked during the past five years, but that he must frankly and in all friendliness express his apprehension lest the cause of developing and fostering these good relations, which both have always in mind, should be injured by the present situation in the Far East.

EXCERPT FROM DIARY OF FORMER UNITED STATES
AMBASSADOR GREW, page 227

PURL: http://www.legal-tools.org/doc/510ac6/

not used

Def,Doc,#206-D(25)　　Exh,NO

辯護側文書　二〇六－D（一五）

ハル長官廣田外相の非難を否定

一九三七年十一月十七日

國務省は十一月十五日ブラッセル會議によつて採擇せられた宣言書の全文を我々に打電してきた。

ローマ駐在大使館の報ずる所によれば、東京よりのハバス電報は、日本が支那に押しつけやうとする條件の再檢討を通告し來り、我々の批判を求めてゐる。我々は、外務省スポークスマンが、十一月十五日、右の報導は「何等根據なし」と述べた旨國務省に報告した。

自分と廣田外相との會談に關して國務長官から自分の受取つた電報は、「共同動作」なる言葉はブラッセル會議によつて採擇せられた宣言書の中にはどこにも見當らないと云つてゐる。

廣田外相は、右宣言書の最後の一節を考へてゐるものであらうとハル氏は云ふ。それは以下の如き句である。

「日本がどこまでも自國の拒否を通さうとは考へないけれどもブラッセルが會議に於ける代表諸國家は、或る國際條約の一當事國が、その他餘ての當事國の意見に反して、自國のとつた行動は右條約の埒外にあるものなりと主張し、他の當事諸國が現在右の國際條約の條項は實行可能な

PURL: http://www.legal-tools.org/doc/510ac6/

りとするにも拘らず、之を無視するやうな場合に、他の當事國は如何なる共同態度をとるべきかを協議しなければならぬ。」

國務長官は又、右會議石築に當つてアメリカ合衆國がその發議をしたとの報導には何等眞實のない事を廣田氏に傳言を委任した。

右會議に關しハル長官は何れの國の政府も、その與へられた共同責任分擔の範圍内で意見の交換を行つたにすぎず、と了解して居り、いやしくも一國の外務省が、情報が公然と得られるにも拘らず、右の如き事實に關し誤解を持つてゐる事に對しては意外に思つてゐる。

ハル氏は廣田氏に對し右の如き傳言を私に依頼して來た。卽ち、日米間の友好關係維持にはハル氏自身過去五年間絶えず努力してきたのであるが、廣田外相の同樣の努力に對し感謝するとともに、兩國が常に留意してゐるかゝる友好關係の發展育成の目的が、極東に於ける現狀によつて、阻止されはしないかとの不安の存在する事を、率直且凡ゆる好意を以て表明せざるを得ない、との主旨である。

（前米國大使、グルー氏の日記、二二七頁よりの抜萃）

PURL: http://www.legal-tools.org/doc/510ac6/

not used

Defense Document No. 206-D(16)

WHY HIROTA MISUNDERSTOOD HULL

November 20, 1937

Yoshizawa, Chief of the American Bureau of the Foreign Office, told me in private that there had been some misunderstanding about the phraseology and substance of Mr. Hull's message to Mr. Hirota, which I had communicated to the latter on November 18. What happened was this. In order to be sure of conveying Mr. Hull's message precisely as cabled, I had written it down before going to see Hirota and actually read it to him, taking no chances on a casual oral communication. The message said that Mr. Hull sincerely appreciated Mr. Hirota's desire to maintain good relations with the United States; that during the past five years Mr. Hull had constantly striven to that end; and that in all friendliness and frankness Mr. Hull must express his apprehension lest the cause of fostering and developing those good relations which they both have in mind be injured by the present situation in the Far East (paraphrase).

In view of the implied sting in the tail of the message I was a little surprised when Mr. Hirota expressed great pleasure at receiving it and asked me to thank Mr. Hull. Hirota asked me if I would leave with him the message as I had written and read it to him, but I pleaded that the piece of paper was merely a rough record and that I would send him a neater transcription as soon as I returned to the Embassy. The reason for this was that I could not leave with him the true reading because it had come in confidential code and also because there were other notes on the paper which I didn't want to give him. As soon as I had returned to the chancery I sent him a personal letter with a close paraphrase of the message.

When I saw him at the time of my call with MacMurray * this morning I asked if he had received my letter. He said no and that he had thought of telephoning me to ask for it. I said that I had sent it two days ago, immediately after our interview and that I would investigate. Just as we came out of Hirota's office we met Yoshizawa going in with my letter. He said that it had gone first to the Archive Bureau and had thus been delayed. Yoshizawa asked Dooman to come to see him this afternoon and said that Mr. Hirota had understood the message quite differently; he thought that Mr. Hull was saying that he was working for good relations with Japan in spite of the situation in the Far East. Apparently Hirota had misunderstood the significance of the word "apprehension."

*Former American Minister to China, at this time Ambassador to Turkey.

PURL: http://www.legal-tools.org/doc/510ac6/

Hirota was so pleased with the message, as he had understood it, that he had cabled it to the Japanese diplomatic missions in several capitals abroad. Now that he had received my letter he saw the marked discrepancy between his understanding and the actual meaning of the message and he found himself in something of a dilemma as to whether to correct the misunderstanding by sending a revised version abroad. Yoshizawa thought that it would probably be better to leave the matter as it is. All this arose through Mr. Hirota's inadequate grasp of English and goes to indicate that one can never rely on purely oral communications. I am glad at least that the misunderstanding cannot be attributed to any carelessness on my part because I read to Hirota the actual message from the original text.

EXCERPT FROM DIARY OF FORMER UNITED STATES AMBASSADOR GREW, pages 228-229

PURL: http://www.legal-tools.org/doc/510ac6/

not used

Def. Doc. #206-D (16)　　Exh. NO.

辯護側文書　第二〇六號ーD（一六）

廣田は何故ハルを誤解したか

一九三七年（昭和十二年）十一月二十日

外務省アメリカ局長芳澤は私が十一月十八日に廣田に傳達しましたハルから廣田宛のメッセーヂの言葉遣ひ及びその内容に就いて或る誤解があつたといふ事を私的に私に語りました。即ち次の事柄が起つたのであります。私は打電された通り綿密にハル氏のメッセーヂを傳へる事を確實にする爲に廣田に會見しに行く前にそれを書き止めました。そして又不時の口頭傳達を原因にして乘ずる機會の無い樣に實際にそれを彼に讀んで聞かせました。そのメッセーヂには「ハル氏は合衆國との親善關係を維持しようとする廣田の熱望を衷心より喜んだ事。「過去五年間ハル氏は絶えずその目的の爲に盡力した事。全く友誼的に正直にハル氏は彼等兩者の心にある親善關係を培ひ進展せしめる原因が極東に於ける現在の情勢に依つて阻害されはしないかといふ懸念を述べなければならない」事等が記されてありました。（意譯）

メッセーヂの末尾に含蓄のある諷刺がありましてと私は廣田氏がそのメッセーヂを受けとつた時非常な喜びを示し、ハル氏に宜しくと私に乞ふた時、稍驚きました。廣田は私がメッセーヂを書き止め、彼に讀んで聞かせたメッセーヂを若し出來たら彼に渡して行つてくれる樣乞

PURL: http://www.legal-tools.org/doc/510ac6/

ひました。併し私は「その紙片は單に草稿に過ぎず、大使館へ歸れば直ぐにもつと綺麗に清書した寫しを彼に送りませう」と述べました。此の理由はそれが密電で來、そして又其紙片には私が彼に與へたくなかつた他の記際事項があつたので私は彼に原文其ものを殘して來られなかつたのであります。

私は記錄所に歸るや否やメツセーデの精密な意譯をつけた私信を彼に送りました。

◎私は今朝マツクマレーと共に訪問して彼と會つた時私は審翰を受けとりましたかと尋ねました。彼は「いゝえ」と云ひ「私に電話をかけてそれを求めようと思つてゐた」と言ひました。私は「二日前私達の會見後直ちにそれを送りました。調べて見ませう」と言ひました。私達が廣田の省（外務省）を出た丁度其の時芳澤が私の審翰を持つて入つて行くのに逢ひました。

彼は「その書翰が最初文書局へ行つて居つた爲にこんなに遲延したのです」と申しました。芳澤はドウーマンに「本日午後會ひに來る樣に」乞ひ「廣田氏はそのメツセーデを全く遺ふ意味に解釋した」と申しました彼はハル氏が「極東に於ける情勢に拘らず、日本との親善關係の爲盡力して居る」と述べてゐたと思つてゐた。

明らかに廣田は「懸念」といふ言葉の意味を誤解して居りました。

◎前駐支アメリカ公使、現在駐トルコ大使。

PURL: http://www.legal-tools.org/doc/510ac6/

Def. Doc. #206-D (16)

廣田は彼が理解した如くにそのメッセーヂを受けとり非常に喜んだそしてそれを五、六の外國首都に於ける日本外交使節に打電しました。彼は私の書翰を受けとつたので彼の解釋と實際のメッセーヂの意味の間に著しい相違のある事を知りました。そして彼は訂正された飜譯を外國に送つて誤解を正さうかどうかといふ事について幾分デレンマに陷入つた事を知りました。芳澤はその事をそのまゝにしておいた方が多分よいだらうと思ひました。此の事はすべて廣田氏の不十分な英語の把握から起つたのでありまして私達は全く口頭傳達に頼る事は出來ないといふ事を示すに至ります。私は實際のメッセーヂを原文から廣田に讀んで聞かせましたので誤解が私の側の如何なる不注意にも依るものではないといふ事を少くとも喜びます。

前合衆國大使グルーの日記抜萃。

二二八－二二九頁

PURL: http://www.legal-tools.org/doc/510ac6/

not used

DEFENSE DOC. Nos. 206-E (1) 206-E (8) 206-E (16) Exhibit No.___
206-E (2) 206-E (9) 206-E (17)
206-E (3) 206-E (10) 206-E (18)
206-E (4) 206-E (12) 206-E (19)
206-E (5) 206-E (13) 206-E (20)
206-E (6) 206-E (14)
206-E (7) 206-E (15)

DOCUMENTS

1. Subject: Excerpts from Diary of Former U.S. Ambassador Grew, Entitled "Ten Years in Japan".

2. Date: 12 October 1939 to 10 June 1940

3. Certificate: Not necessary

4. Translation: Not applicable

5. Excerpts: Not filed under Rule 6-B-1 as required.

6. Comment: The following excerpts are reports of official conferences and communications, some are recordings of actual events. A very few are the personal (recorded as an official) views of the Ambassador. At times he adds speculation without giving reasons, but this is insignificant.

Apparently the Documents are admissable generally, the objectionable matters being harmless.

7. Rebuttal: No comment.

8. SUMMARIES:

Excerpt 1. -- 12 October 1939. Polish Ambassador Finds Japanese Anti-German.

Visit by Grew to Mr. de Romer, Ambassador of New Polish Government, where he was informed recognition by U.S. had influenced recognition by Japan. de Romer credited Grew's influence with keeping Japan out of a Military Alliance with Germany to that time (12 Oct.1939), and said that Japanese were more than ever eager for friendship with United States; that except for a small group the Japanese were now intensely anti-German.

PURL: http://www.legal-tools.org/doc/510ac6/

DEFENSE DOC. Nos. 206E-(1) through-(20) except 206E-(11).

Excerpt 2 -- 15 October 1939. Proposed Speech Before America-Japan Society.

Upon learning that Japanese Cabinet and its backers, Hiranuma and Prince Konoye, were anxious to improve relations with U.S., Grew decides against original draft, but not to minimize American resentment against actions of Japanese Army in China, and to avoid seemingly going to the public over the heads of the Japanese Government.

Excerpt 3 -- No date. "The New Order in East Asia".

Says American Government and people understand it to mean security, stability, and progress, which Americans desire, but it has also appeared to include, among other things, depriving Americans of their long established rights in China, and to this the American people are opposed.

Excerpt 4 -- 19 October 1939. Background of Historic Address Before America-Japan Society.

In memorandum describing background Grew recognizes American public demand for an embargo against Japan and attitude of Administration not to allow American interests to be crowded out of China. Also realizes a policy of sanctions may lead to war. However, U.S. position in Far East regarded as important factor in its position in world affairs, and the President and Secretary of State are determined to support that position.

Takes position that facts should be given Japanese people regarding depredations against Americans and American interests by Japanese military in China, and that U.S. will not "back down" from its Far East policy. Also sees necessity of getting this to the military through influential people.

Describes repercussions from speech, being accused of "arrogance, impertinence, and surprising lack of diplomatic propriety".

PURL: http://www.legal-tools.org/doc/510ac6/

DEFENSE DOC. Nos. 206E-(1) through -(20) except 206E-(11).

Excerpt 5 -- 25 October 1939. Results of "Epoch-making Speech"

Grew informed by Japanese friends that Prime Minister, Foreign Minister, War Minister, and others who had studied speech would form a team to "keep the ball rolling"; that such men believed the time had come to start improving U.S. - Japanese relations.

Excerpt 6 -- 1 November 1939. Necessity for Prompt Action.

Speech is released to Japanese press at request of Foreign Office. Grew sees necessity of getting results promptly by both negative (cessation of bombings, etc.) and positive (opening Yangtze to foreign trade) steps. Otherwise he sees imposition of embargo, to the downhill movement of relations.

Excerpt 7 -- 1 December 1939. Lack of Statesmanship.

Says the Japanese Government is weak and "floundering" for lack of strong statesmanship. Most Japanese want good relations with U.S., but are not grasping the power and taking measures to bring them about. Future outlook does not appear bright.

Excerpt 8 -- U.S. and Nine-Power Treaty. No date.

Mentions solemn commitment of U.S., by Nine-Power Treaty to uphold (a) territorial and administrative integrity of China and (b) the Open Door.

Excerpt 9 -- No date. Japanese Inflation

Mentions inflationary movement reflected in slower absorption of government bonds, large increase in paper currency, mounting commodity prices, and attempt to control prices.

Excerpt 10 -- No date. Effect of American Embargo.

Does not believe economic pressure from without alone can defeat Japan. Psychological factors to be considered.

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Excerpt 12 -- No date. Isolation of Japan by Sanctions

Answering arguments that Japan should be brought to terms through isolation and reduced to a second or third-class power to curtail her Pacific expansion, Grew favors the exhaustion of diplomacy, before imposing sanctions which enforced would lead to war.

Excerpt 13 -- 4, 18, 22 December 1939. Conversations with Foreign Minister Nomura Re Japanese-American Relations.

Account of three conversations with Nomura in December, 1939. Nomura gave categorical assurances that American impression that Japan was attempting to expel American interests from China was erroneous, that incidents complained of were "accidents" due to gigantic military operations, and that commercial limitations (monopolies) were temporary.

A long list of questions pending settlement was discussed, as was the expiration of the treaty of Commerce and Navigation.

Opening of the Yangtze river for general navigation as far as Nanking was assured.

Nomura stated that "we" must prevent spread of European War to Far East.

Excerpt 14 -- 14 January 1940. Formation of Yonai Cabinet.

Yonai forms new Cabinet with Arita as Foreign Minister. Yonai was the man who had blocked military alliance with Germany in the spring (1939).

Excerpt 15 -- 18 January 1940. Treaty of Commerce and Navigation

On assumption of Foreign Office duties Arita discussed with Grew the status of the "treaty merchants", hoping to enlist his support for a continuation of the treaty status. Grew contacted Washington and it was referred back to Tokyo.

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DEFENSE DOC. Nos. 206E-(1) through -(20) except 206E-(11)

Excerpt 16 -- 23 January 1930. British Cruiser Takes 21 Germans off Japanese Ships.

Incident of British Cruiser stopping Asama Maru and taking off 21 Germans liable to naval service in Germany, just off coast of Japan, and explanatory statement of British Ambassador, excite Japanese people and press to high pitch.

Excerpt 17 -- 10 April 1940.

Grew comes to conclusion that the futility of the China campaign is coming home to the majority of thinking Japanese. He bases this on (a) statements of an influential Japanese publicist, who had been vitriolic in denunciation of U.S., and Great Britain, that he believed Mr. Hull's views were right and Japan was wrong, and (b) that Japan should deal direct with Chiang Kai-shek, permit mediation of third powers, and define "New Order in East Asia".

He expresses his views against sanctions and supports them with viewpoint of other Americans, pointing out at length the possible war which might result, as against a solution by allowing time to solve the problem.

Excerpt 18 -- 26 April 1940. Discussions with Foreign Minister ARITA

In conversation with Foreign Minister ARITA both agree that continued conferences on a new commercial treaty would be futile.

They discuss the continued and aggravated bombings and indignities against American nationals and interests, with the usual results of hopes and promises.

Arita urged Grew not to take his anticipated leave to U.S., as it might create impression of diplomatic breach.

Excerpt 19 -- 1 May 1940. Netherlands East Indies Issue.

It is believed a German circulated reports in neutral capitals that U.S. contemplated taking Netherlands East Indies over in event Germany invaded Holland. Arita made official statement 15 April that Japan wanted no change in the status quo of these islands. Mr. Hull made statement that "we are also interested in the fate of the islands", putting U.S. squarely on record.

PURL: http://www.legal-tools.org/doc/510ac6/

DEFENSE DOC. Nos. 206E-(1) through -(20) except 206E-(11)

Excerpt 20 -- 10 June 1940. Hypothetical Loss of British Fleet

Says from now on future calculations must be based on hypothetical loss of British fleet. Roosevelt knows it and he believes Wilkie does.

PURL: http://www.legal-tools.org/doc/510ac6/

Defense Document 206-E (4)

not used.

THE BACKGROUND OF A HISTORIC ADDRESS

October 19, 1939

The background of the speech is described in the following memorandum which I gave to Dooman, Creswell, and Smith-Hutton after my return to Tokyo:

'During my stay in the United States American public opinion was steadily hardening against Japan. The denunciation of the Treaty of 1911 was almost universally approved and there is an almost universal demand for an embargo against Japan next winter. The present attitude of the administration is that we will not allow American interests to be crowded out of China. If Japan retaliates against an American embargo, there is every probability that our Government will counter-retaliate in some form or other.

I have pointed out that once started on a policy of sanctions we must see them through and that such a policy may conceivably lead to eventual war. There is, however, no sign whatever of weakness in the administration's attitude now or in the attitude of the public. The President and the Secretary of State seem determined to support our position in the Far East. The fall naval maneuvers are to take place in Hawaiian waters. There has been talk of landing further American marines in Shanghai, but such a step, just before I left Washington, was held in abeyance. There can be little doubt, however, that if the Japanese military in China continue their depredations against Americans and American interests, and if they progressively take measures to drive them out of China, our Government will take retaliatory measures regardless of the eventual outcome, and the administration will be supported by the great majority of the American public. Very little is now heard of the wisdom of folding our tents and withdrawing gracefully from a possibly untenable position. Our position in the Far East is regarded as an important factor in our position in world affairs at large and not at all as an isolated problem.

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Having in mind this attitude of the American Government and people, we must reach the inevitable conclusion that the time for exclusive reliance on the good will and efforts of the Japanese Government, as contrasted with the Japanese military, is past. Hitherto we in the Embassy have aimed to follow, as far as reasonable, a policy of avoiding words or actions which might tend to irritate the military. In view of the determined attitude of the American Government and people, I believe that more is now to be gained by discreetly conveying this present attitude to the Japanese Government and people in order to offset the prevailing feeling in Japan (at least prevailing before my departure in May) that in the last analysis the United States will back down. I do not now think that we will back down, and I believe that the efforts of the Embassy should now be directed toward letting that fact gradually penetrate to the Japanese consciousness. Only danger, and no good, can come from leaving the Japanese under a misapprehension on that score. But these efforts of the Embassy will have to be carried out with discretion.

During the past summer the Department of State was seriously considering writing another strong note to Japan, but Mr. Dooman advised against it and I supported him, on the ground that such a note would do no practical good and would merely anger the military, and that the record of our position was already complete. I did, however, take the position that something should be done to bring before the Japanese people the facts regarding the depredations against Americans and American interests by the Japanese military in China.

Those facts, so far as I am aware, are not generally known even by influential Japanese, who are therefore inclined to regard American opposition to Japan and Japanese policy, and to "the new order in East Asia," as arbitrarily based on what they consider to be obsolete legal technicalities on the one hand and a traditional sympathy for China on the other. If any movement is to be started by influential Japanese to restrain the military in their efforts to force American interests out of China (I have in mind, for instance, the members of the Privy Council, who presumably are influential),

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those Japanese must first become aware of the determined attitude of the American Government and public and the facts on which that attitude is based. As long as misapprehension on those points continues to exist, we can hardly expect constructive steps to be taken to improve our relations. It is, of course, questionable whether any constructive steps or effective steps can be taken to curb the military, but we must not let that desideratum go by default.

There must be no tone of threat in our attitude. To threaten the Japanese is merely to increase their own determination. The attitude of the American Government and people must be presented merely as a patent fact which exists and should therefore be given full weight in formulating Japanese policy.

It therefore seemed to me, and the President and the Department concurred, that in my initial address to the America-Japan Society on returning to Tokyo, an effort should be made to get across to the Japanese the real feeling in the United States and the facts on which that feeling is based The fact that I shall merely be reporting my observations in the United States during the past four months will lend particular force to this opportunity, and I believe that full advantage should be taken of it. Later speeches will not have this advantage. My thought is to present, in as friendly as manner as possible, the points which the Department had intended to include in its proposed but eventually abandoned note. The America-Japan Society is about the only forum that we possess. My speech would be fairly widely discussed and if published at least in the Japan Advertiser would come to the attention of a considerable element of influential Japanese both in the Government and out of it. Any complaint that I was going to the Japanese public over the heads of the Japanese Government could be met by the fact that prominent Japanese have in times past used the Society to present the Japanese point of view (cf. Viscount Ishii's speech at the initial dinner after our arrival in Japan in 1932) and that I can properly claim an equal privilege.

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After the speech was made, some of the American newspaper correspondents were using such terms as "dumfounded," "astounded," etc., in describing the reaction of the audience. As a matter of fact, only Thompson of the United Press was present and he scooped all the others, who had expected the usual diplomatic platitudes, but Morin of the A.P. and Hugh Byas very quickly began to receive calls from New York for voluminous reports. The Japanese press reacted just as I had expected, some of the papers accusing me of arrogance, impertinence, and surprising lack of diplomatic propriety. The general trend was that in spite of what I said, the American people simply don't know the facts and have construed a few unintentional "accidents" into wholesale depredations. Also that we still don't understand the "New Order in East Asia." But a few of the papers, notably the Yomiuri, which in the beginning had castigated me personally for arrogance, eventually were courageous enough to intimate in veiled language that there might be some merit in the American point of view and that it should be carefully examined. Such attitudes here are generally regarded as sheer heresy, but they showed that the inoculation was "taking."

Excerpt from Diary of Former U. S. Ambassador
Grew entitled "Ten Years in Japan."
Pages 294-297

PURL: http://www.legal-tools.org/doc/510ac6/

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私の歴史的演説の背景

一九三九年一〇月一九日

この演説の背景については次の覚書の中に述べておいた。これは私が東京へ着いた後ドゥーマン、クレズウエル、スミス。ハットンの三名に渡したものである。

私の滞米中日本に対する米国輿論は次第に悪化して行つた。一九一一年の條約の廃棄はほとんどすべての國民の支持を得たのみならず、大多数の國民は來るべき冬に対日經濟封鎖を断行すべきことを主張してゐる。我が政府の現在の立場は合衆國の支那における権益が侵されぬやう努力するといふにあつた。もし合衆國側の經濟封鎖に対して日本側が報復するならば、我が政府は必ずや何等かの形においてそれに対し更に報復手段を講ずるであらう。

すでに指摘したごとく、一たび側裁攻策にのり出したからには後

までそれを貫徹せねばたらぬ、またかゝる政府がつひには戦争に至るかも知れないといふことも十分覚悟せねばたらぬ。しかし現在政府の態度にもまた一般國民の態度にも弱味があるやうなけはひは全然見受けられない。大統領も國務長官も共に極東におけるわれわれの立場を支持しようと決意してゐる。この秋にはハワイ水域において海軍の演習が行はれる豫定である。一時は米国海兵隊を上海に増派しようといふ気すらあつたが、これは私がワシントンを去る直前延期となつた。しかしもし日本官部が今後たには米人及び米國權益に對するその侵害行爲を繼續するならば、また彼等が米人及び米國權益を支那から追出さうとする施策をこれ以上强化するならば、我が政府は必ずや、不愉の結果が生ずるかも知れないことを十分承知の上で所乎たる報復手段に出るであらうし、また政府のかゝる態度は米國國民の大多數の支持を得るであらう。現在では「恐らく見込がないから早くテントをたゝんでおとなしく引上げたはうが利口だ」といふやうな說を口にする者はあまりゐなくなつた。行東おける米國の地位は全世界における米國の地位

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を左右する重大な問題であつて、決して他人事のない孤立した問題であろと考へてはならない。

米國官民のこのやうな態度を念頭におくならば、我々は日本政府と軍部とを區別された意味における日本政府の好意のみに依るべき時期は既に過ぎ去つたと結論せざるを得ない。現在當地で我々大使館員は何事によらず日本官憲を刺戟するおそれのあるだけこれを避けるやうにしたいと考へてゐる。しかし米國官民の所謂たる態度であろと考へてはならない。

米國官民のこのやうな態度を念頭におくならば、我々は日本政府と軍部とを區別された意味における日本政府の好意のみに依るべき時期は既に過ぎ去つたと結論せざるを得ない。現在當地で我々大使館員は何事によらず日本官憲を刺戟するおそれのある言動はできるだけこれを避けるやうにしたいと考へてゐる。しかし米國官民の所謂たる態度であろと考へてはならない。

に鑑みるならば、今のうちにこの米國側の現在の態度を緩和な方法で日本官民に傳へ、それによつて「米國はこちらがあくまでがんばれば最後には結局折れて出るだらう」といふ日本人特有の考へ方を少くとも私がうまくはがいふ見方が支配的であつたことは事實であろと私は信ずる。

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私は米國が折れて出ようとは考へない。從つてこれからの大使館の努力はこのことを次第に日本人に感識させるやうな方向にむけられるべきである。この點に關する日本人の誤解をそのまゝにかまけておくならば、危ぶこそあれ、何の益もないであらう。しかし勿論大使館側のかゝる努力は慎重に行はれねばならない。

今年の夏、國務省當局は日本に關しもう一つ重要な聲明を發することを豫期に計畫してゐたが、ドウーマン氏はこれに反對した。私もかゝる聲明は何等の實益なく却つて日本軍部を刺戟するのみであること、またかゝることをせずとも合衆國の地位の根據はすでに完全であるとの理由のもとに向氏の意見を支持した。

しかしその際私は日本軍部の正義を尊重する日本人に印象せしめるために何等かの方策を講じなければならと主張した。

これらの良識ある人々の知る通りでは日本の理性の人々の間にも一度には知られてゐない。從つてこれらの日本人は日本、日本

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の政策並に所謂「東亜新秩序」に対する合衆国の反對が、隠蔽な法技術と合衆國の傳統的親支傾向との所産であると誤信しがちである。

もし米國が日本を支那から排斥しようとする軍部の計畫を制止する運動が努力ある日本人一切へ援助を與えるとは恐らく努力がかえると思ふのでさういふ人のことを官吏にかいていつてみるのであるが、これによつて退されるることが望ましいならば、これらの日本人がまづ何よりも米國官民の評判やる感度並にかゝる傳聞の根據たる論調を認識することが先決問題であろ。かゝる論調に關する誤解が一掃されないかぎり、両國間の關係を良好ならしめるやうな建設的な方策をとることは不可能であらう勿論果してそれを制止するに足るかどうかは問題であるが、さればといつて兵手傍觀して日米關係が悪化することは許されない。

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吾々の態度に戯噱的なものがあつては絶對にならない。日本人を
戯噱することは唯彼等の決心を固めさせるのみである。米國政府及
人民の態度は唯現存の嚴たる事實であつてこれによつて日本の政策
決定に當つて十分に考慮さるべきものとして示されなくてはならぬ
それが故私が米日協會に於て東京に歸つて初めてなす演説に於て
は先づ日本人に米國の眞の氣持及その由つて來る所以を知らしめる
努力が爲されねばならぬと思つたのであつてこれには大統領及本省
も同感であつた。私が過去四ケ月間の米國に於ける觀察を時報告し
て居るのみであると謂ふ事實は私の話に特別の力を與へるであらう
しまた私はそれを充分に利用せねばならぬと信ずる。後になつて不
る話はかゝる利益を有ち得ぬであらう。私の考へでは能ふ限り友誼
的な態度で本省が日本に迫らんとして遂に取止めさした公文に載せ
んとした點を示す積である。米日協會は殆んど現在吾々に殘され
た唯一の討論所たらんとしてゐる。私の演説は恐らく可成廣く討論
せられるであらう。そしてもし少くともジヤパン、アドヴアタイザー

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に掲載されるならば、政府及在野の日本人有力の者の大部分の注意を喚起するであらう。私が日本政府を弄し置いて日本民衆に働きかけたと謂ふ非難に對しては過去に於て時に日本の高官が本協會を日本の見解の發表の用に供したことを以て（一九三二年吾々が日本に到着後最初の正餐に於ける石井子爵の演説を考へよ）私も亦同様の特權を正當に要求し得るとして反駁出來るであらう

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演説後アメリカ新聞記者連の中には聽衆の反應を表はすに、呆れ返へつた、とか、呵然とした、と云つた激な言葉を以てした。實際には、U、P通信社のトンプソンが一人出席して居つただけであつた。そして、彼は初めて當り障りのない外交儀禮的言辭を予期してあた他の連中に先んじて、逸ち早く特報を報じたのであつたが、時を移さずA・P。通信のモリン、及びヒユーバイアス氏等も紐育から詳細な記事を送るやうにとの照會電に接し始めたのである。日本側著眼に表れた反撥も私の予測せる通りで、中には私を非難して傲慢とか不作法とか驚くべき外交的儀禮の缺如せるもの等と述べたものもあつた。一般國民の論調は、私の言にも拘らず、米國民は事實を認識せず、二三の偶然の出來事を取り上げて全面的な虚構行爲であると解釋してあるに過ぎぬと云ふに在つた。あまつさへ、米國側は尚も、東亞新秩序、の何たるかを理解していないと考へてあるやうであつた。然し二三の新聞紙特に識實のある如きは、最初は、私一個の傲慢さを酷評してきつたのであるが、遂には、勇敢にもあから樣にではなかつたが、米國側の見解にも尤もなる點のあり得べきこと並びに夫に對しては愼重檢討のなかるべき旨を報じたのであつた。

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右の様な態度は一貫的には全くに異端の立場と目されて居るのであるが、夫にも拘らず漸が漸次效目を表はしつつあることの證左に外ならない。

「日本滞在十ケ年」と題する前
駐日大使グルー氏日記よりの
抜　萃

二九四　－　二九七頁

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AMERICA'S ALTERNATIVES IN ITS RELATIONS
TOWARD JAPAN

December 1, 1939

A Japanese recently remarked that what Japan most needs at present is a statesman of the caliber of Prince Ito. No such figure, alas, has emerged nor is likely to emerge, and through lack of strong statesmanship Japan is bound to suffer. The Government is weak and is "floundering." Yet to control and unify the heterogeneous forces in Japan today would require a statesman of almost superhuman ability.

The crux of Japanese-American relations lies in the fact that while the Government is prone to give us soothing assurances, no individual or group in Japan is strong enough to bring about the full implementation of those assurances. There is little doubt that the great majority of Japanese, both in the Government and out of it, who know anything about foreign relationships want good relations with the United States, but they have yet to grasp securely the power of directing policy and taking measures in the effective way which alone can bring about good relations. International relations cannot thrive on mere pious expressions of intention. I have told them this, and am steadily continuing so to tell them, but it does little good. The outlook for the future relations between the United States and Japan does not now appear to be bright.

It is this outlook that now requires our most careful study and concern.

Excerpt from Diary of Former U. S. Ambassador
Grew entitled "Ten Years in Japan."
Pages 299 and 300

PURL: http://www.legal-tools.org/doc/510ac6/

Defense Document 206-E (8) not used.

Two Main Desiderata

* * * * * * *

The United States is solemnly (to use that somewhat overworked Wilsonian term) committed to uphold the principles of the Nine-Power Treaty, primarily to uphold the territorial and administrative integrity of China and the Open Door. Therein lies the point of principle.

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Excerpt from Diary of Former U. S. Ambassador
Grew entitled "Ten Years in Japan."
Pages 300 and 301

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Can Japan Be Defeated?

* * * * * *

I have already drawn attention to the beginning of an inflationary movement in this country, and I shall later discuss the further development of this movement as reflected in slower absorption of government bonds, a large increase in the paper currency, and mounting commodity prices, along with far-reaching measures designed to control prices. Attempts to control the supply and demand of rice are causing wide agrarian unrest.

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Excerpt from Diary of Former U. S. Ambassador Grew entitled "Ten Years in Japan."
Page 301

PURL: http://www.legal-tools.org/doc/510ac6/

Not used

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Defense Document 206-E (10)

Can Japan Be Defeated?

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* * * The majority opinion in the Embassy, which I myself share, does not believe that an American embargo, even if it covered all American exportation and importation to and from Japan, would bring about such a debacle as would cause the Japanese to relinquish their program in China.

Statisticians have proved to their own satisfaction, and will continue so to prove, that Japan can be defeated by economic pressure from without. But the statisticians generally fail to include psychological factors in their estimates.

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Excerpt from Diary of Former U. S. Ambassador Grew entitled "Ten Years in Japan."
Pages 301 and 302

PURL: http://www.legal-tools.org/doc/510ac6/

Defense Document 206-E (12)

not used

Is an Isolated Japan Desirable?

The argument is often advanced that Japan should and can be brought to terms through isolation. The corollary is furthermore advanced that unless isolated and reduced by economic and financial attirition to the rank of a second- or third-class power, it is only a question of time before Japan continues her continental and overseas expansion, involving the Philippines, the Netherlands East Indies, and other Western possessions in the Far East; that the time to restrain her expansion is now.

With regard to this thesis, I raise the following considerations. The resort to methods calculated to bring about the isolation of delinquent nations must presuppose in the final analysis the use of force. Sanctions commenced but not carried through bring in their wake a loss of prestige and influence to the nation declaring them. Sanctions carried through to the end may lead to war. This statement seems to me to be axiomatic and hardly open to controversy. In my view, the use of force, except in defense of a nation's sovereignty, can only constitute an admission of a lack, first of good will and, second, of resourceful, imaginative, constructive statesmanship. To those who hold, with regard to the specific situation with which we are dealing, that it is not enough for good will and statesmanship to exist only on one side, my rejoinder would be that these factors exist also in Japan, albeit in latent form until now, and that one of the functions of diplomacy is to bring these factors into full vigor. Shidehara diplomacy has existed; it can exist again.

There will be time enough to speak of sanctions when the resources of diplomacy shall have been exhausted. At the moment of this writing, those resources have not yet been exhausted. By nature not a defeatist, I believe that these resources may yet win the day.

Excerpt from Diary of Former U. S. Ambassador
Grew entitled "Ten Years in Japan."
Pages 304 and 305

PURL: http://www.legal-tools.org/doc/510ac6/

Division Document 206-E (13) not used

THREE CONVERSATIONS WITH FOREIGN MINISTER NOMURA

December 4, 1939

The Foreign Minister, Admiral Nomura, asked me to call on him in his official residence at 2:30 today. Having been closeted with the Prime Minister, he came fifteen minutes late, very apologetic for the delay. The interview lasted for one hour and a half.

The Minister said that he was glad to resume our talks, the last of which had occurred on November 4, and that he was sorry for the delay in continuing them. He said that he had carefully studied the statements which I had made at our last meeting as well as the documents left with him. He considered very valuable the suggestions which I have made to him with regard to the importance of furnishing direct evidence of the intention of the Japanese authorities to put an end to the bombings of American property, the insults to American citizens, and the encroachments on American commercial activities in China which must be removed. Admiral Nomura realizes that the impression exists in the United States that these various acts have been deliberate and that there is an intention on the part of the Japanese authorities to expel American interests from China. He wanted to give me categorical assurances that such an impression is a misunderstanding and contrary to fact. Military operations on an unprecedentedly gigantic scale over extensive areas are going on in China and all of the incidents and cases of which we have complained have been accidents. The Japanese forces have been ordered to pay every possible attention in their power to protect and respect American property and citizens in China. The Minister said that he had discussed this matter with his competent colleagues in the cabinet and he could tell me as a fact that the personnel of the military commands in China has been so arranged as to ensure this protection and respect.

Admiral Nomura went on to say that such limitations to the commercial activities of Americans in China as have occurred are a result of the military

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operations, including control of the occupied areas, such operations not being consonant with the peaceful enjoyment of ordinary commercial rights. These limitations are, however, exceptional and temporary and our rights will be restored when peace comes. It will only lead to misunderstanding and confusion to generalize and to forecast future conditions on the basis of these temporary circumstances.

At this point I mentioned some of the different ways in which American commercial rights and interests were being injured, including the setting up of monopolies which ruined the business of various American interests. It seemed to me difficult to explain these monopolies and other restrictions as due to military necessity. The Minister said that in wartime it became necessary to control commodities and that the monopolies and other handicaps could be explained on this basis. I countered, however, with the observation that many of these measures gave the American Government and people the impression that they were intended to be permanent and that I would welcome concrete evidence to the contrary.

Admiral Nomura repeated the assurances given me by his predecessors that the Japanese forces in China have not the slightest intention to drive out American interests and that they have the strictest orders to the contrary. He said that our commercial problems in China should be dealt with both in Tokyo and in the field and he requested that American officials in the field should keep in close touch with local Japanese officials.

Admiral Nomura said that the cases both of bombings of American property and insults to American citizens were decreasing. In Pakhoi and Nanning, for instance, he has heard of no damage to any American property in that area. Constructive measures were also being taken to facilitate American commerce, as in the case of shipments of wood oil from Hankow and of lace and drawnwork from Swatow. The Minister was thus in a position, he said, to point out that possible measures were being taken in line with the valuable suggestions which I had made at our last meeting. He appreciated my honest desire to improve relations and by way of reciprocating this attitude he was now studying with the proper authorities such measures as could properly be taken.

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Admiral Nomura expressed the regret that while he and I were making joint efforts to improve relations these efforts were being injured by the sometimes too-liberal expressions of opinion by important people in the United States, including statements with regard to a possible embargo against Japan.

At this point I called his attention to the freedom of the American press and of public discussion. I said that experience had taught us that measures to control the utterances of the press or of individuals often defeated their own object by causing an intensification of those utterances. I added that the public statements of individuals outside the Government, even though these individuals might be in close touch with the Government, did not necessarily represent the Government's views. The Minister smilingly observed that the same situation, especially with regard to the press, obtained also in Japan.

The Minister then said that he desired to present certain figures to meet some of my representations in our last conference and my concrete proposals for the settlement of pending questions. He said that the list of cases which I had presented to him had been carefully analyzed and a resume drawn up on the basis of available documents. He thereupon handed me an informal document in Japanese which he thought I would probably wish to have translated and he read to me the following resume:

A.	Representations acknowledged or answered	179
B.	Representations not acknowledged or answered	203
(1)	No acknowledgement or reply required	22
(2)	Not acknowledged but the contents dealt with by communication to the appropriate officials in China	27
(3)	Not answered but settled locally or dealt with	8
(4)	Investigations still going on but not yet answered	110
(5)	Miscellaneous	36

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Admiral Nomura expressed regret that some of our representations had not been acknowledged or answered, owing to clerical oversight, but he assured me that all of our representations were receiving attention and that the competent officials were seeking solutions.

Some cases had been settled or were about to be settled, and they amounted to thirty-nine in all. In these cases the investigations had been completed and the Japanese officials were in touch with our own officials in Shanghai, trying to find solutions. The Minister said that Mr. Yoshizawa would explain either to Mr. Dooman or to me the details of the informal document which he had handed to me and would also be glad at all times to discuss pending questions. He said he thought it would be well for us to have periodical and frequent talks with Mr. Yoshizawa and he recommended that the officials of the Foreign Office and the Embassy constitute themselves as a sort of permanent committee to deal with these pending matters. Thus, speedy settlement of these questions could be made or agreement reached as to how to solve them and this should lead to more stable relations between Japan and the United States.

The Minister alluded to the press reports that there are over six hundred cases awaiting solution. Such incorrect reports mislead the public and injure our relations. He thought it would be useful to publish the actual facts and suggested that Mr. Yoshizawa get in touch with us with that end in view.

The Minister then said he would now like to talk "off the record." With regard to our treaty of commerce and navigation he said that "even if the treaty expires, I hope that relations may be maintained in a normal way and that there will be no cause for the people of both countries to get excited about." Japan's trade with the United States represents a very large percentage of Japan's entire trade, and if commerce with the United States should be impaired Japan would obviously have to seek other commercial channels.

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As this seemed to me to contain an implied threat and as I felt it might also be interpreted as an indirect move to open negotiations for a new treaty or for a modus vivendi, I read to the Minister a close paraphrase of Secretary Hull's remarks to the Japanese Ambassador on November 24, emphasizing the considerations contained in the last paragraph to the effect that the American Government did not feel it incumbent upon itself to take the initiative in proposing practical measures for removing the obstacles for friendly relations between the two countries.

I then took up with the Minister the following matters:

1. Further attack on August 1 on the Lutheran Brethren Mission at Tungpeh, Honon (Nyhus case).

2. Interference with the property of the Catholic Mission at Sinsiang.

3. I read to the Minister the pertinent parts of Peiping's telegram of October 20 with regard to mob attacks on the Free Methodist Mission at Chenliu.

4. I asked the Minister to give his personal attention and interest to a subject discussed by Mr. Crocker with Mr. Suzuki concerning the setting up in the Embassy of a radio receiving set in order that we might obtain direct information and news bulletins from our Government in Washington. I said that such sets existed in most of our important Foreign Service establishments, Japan being one of the main exceptions; that it was in the interest of both our countries that we should maintain close and rapid communication with Washington, and that while I did not wish to ask permission for establishing such a set in the Embassy (because this was a diplomatic right which we could properly exercise without permission), nevertheless I would prefer to obtain the definite approval of the Foreign Office before proceeding.

5. I told the Minister of the facts concerning the Tucker case and of the widespread interest which the case had aroused in the United States. I said that I had received many telegrams from important people at home

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expressing interest in the case and that our Government also took an official interest in it. I said that Mr. Tucker had been released from prison after some six weeks in jail but that he was to be tried within the next two weeks for what I understood was an alleged indiscretion in passing out certain literature not approved in Japan; that the formal result of the case would undoubtedly be published in the United States and might have an important effect on the American public as well as on Mr. Tucker's friends. I added that, not wishing to interfere with the normal process of Japanese justice, I had made no formal representations in the case but I wished the Minister to know of the general interest, including official interest, evoked in the United States by the case. The Minister said that it would be very difficult even for him to interfere in this case, which was in the hands of the Department of Justice, and he felt certain that Mr. Tucker would receive full justice.

The following press release was agreed upon: "The Minister for Foreign Affairs and the American Ambassador today continued their talks covering the general field of Japanese-American relations in a mutually constructive spirit."

December 13, 1939

Admiral Nomura asked me to call on him today at the Foreign Office and in a conversation which lasted one hour and a half he read to me, through Mr. Iguchi as interpreter, and then handed to me the pro memoria that I at once conveyed to the Department.

The Minister informed me definitely that the Japanese Government intends to open the Yangtze River to general navigation as far as Nanking "in about two months." The Minister added that for the time being certain restrictions would probably have to be imposed on such navigation owing to the military operations in China.

The Minister definitely proposed a modus vivendi to carry on

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Japanese-American commercial relations after the expiration of the present treaty of commerce and navigation and expressed the hope that, as little time is now left before the expiration of the treaty, negotiations for a new treaty could commence shortly, if possible before Christmas. I replied that I had no instructions with regard to this matter and asked if the Minister desired me to communicate this to my Government as a definite proposal from him. He replied in the affirmative.

The Minister also touched on the following points:

1. Our problems were divided by the Minister into "positive" and "negative" categories. I replied that between our two countries there exist certain differences of opinion involving matters of fundamental principle, which as the Minister conceived them might not fall within either of the above-mentioned categories.

2. In my conversation with the Minister on November 4 I do not recall mentioning the possibility of bringing about in the United States "a speedy" reversal of public opinion.

3. After Nomura had completed his statement and I had expressed my own appreciation of the Japanese Government's efforts to improve relations between our two countries, I conveyed to him, informally and fully, as under my Government's instructions, the reaction of the Department to the statements made to me by the Minister on December 4. This included the observation of the Department that it feels that the efforts of the authorities of Japan thus far have little more than "touched the fringe of the problem."

4. With regard to the two "companies" and monopolies Nomura said that it had become necessary to set up "economic blocs" among Manchukuo, Japan, and China in order to overcome difficulties in questions of national defense. But he declared that Japan has no intention of excluding other countries and is "quite ready to welcome foreign capital." When I asked the Minister "On a non-discriminatory Basis?", he replied merely that foreign participation would be welcome in these enterprises.

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5. The Minister observed that with regard to currency questions they "had to finance the Army" but that these discriminations "when the fighting stops and a Government of China is set up will be modified."

6. The Minister said, "off the record," at the end of our conversation that we must prevent, in the interests of both our countries, the war in Europe from spreading to the Far East and that Japanese-American conciliation will be a powerful factor in avoiding such a contingency.

December 22, 1939

In an interview with the Minister for Foreign Affairs this evening I conveyed to him orally the two separate statements substantially as set forth in two paragraphs from the State Department, dated yesterday. I also quoted the Department's instruction of December 18, which I handed to the Minister in the form of a pro memoria.

Admiral Nomura replied orally in Japanese and the interpreter later handed me the following translation of his remarks:

"The fact that the American Government has decided to take measures to facilitate normal commercial relations even after the termination of the effectiveness of the Japan-America commercial treaty and Your Excellency's efforts in this direction are greatly appreciated. However, the question of the commercial treaty is not limited to the commercial relations between the two countries but does, rather, in many ways relate to the general relations between our two countries. For example, even if commercial relations are maintained on a nearly normal basis without specific agreement, it is impossible to forecast day-to-day conditions in such relations. This is an uncertain prospect. In view of these considerations and looking to the improvement of relations between the United States and Japan from the broad viewpoint, I earnestly request that Your Excellency's Government give very careful consideration to the question of concluding a modus vivendi.

"I may inform Your Excellency that, as Mr. Yoshizawa, Chief of the American Bureau, has already communicated to Mr. Dooman, Counselor of Your

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Excellency's Embassy, the Japanese Government after careful study of the question from the above viewpoint has prepared a draft modus vivendi and has telegraphed this draft to Ambassador Horinouchi in Washington; and has informed him that he may submit the draft plan to the State Department in Washington at a propitious moment during his conversation there."

In our subsequent conversation I repeatedly made clear that Japan now had to give concrete implementation of its assurances that American rights and legitimate interests in China will be respected on a nondiscriminatory basis.

The following press release was mutually agreed upon in substance and definite assurances were given me that no publicity beyond this release would be given out by the Foreign Office:

"The Minister for Foreign Affairs and the American Ambassador this afternoon continued their conversations with regard to matters of interest to the two countries. Both the Minister and the Ambassador indicated a mutually helpful attitude toward a solution of the problems under discussion. Progress was made. The conversations will be continued."

Excerpt from Diary of Former U. S. Ambassador
Grew entitled "Ten Years in Japan."
Pages 305-312

PURL: http://www.legal-tools.org/doc/510ac6/

Not used

Defense Document No. 206-E(14)

ADMIRAL YONAI HEADS A NEW JAPANESE CABINET

January 14, 1940

The cabinet resigned and Admiral Yonai formed a new cabinet with Arita as Foreign Minister and my old friend Fujihara as Minister of Commerce and Industry. Yonai was the man who put the blocks to a military alliance with Germany last spring; I got to know him at the time of the visit of the Astoria with Saito's remains; he dined at our Embassy and I dined with him at the big Navy dinner, after which he told me that I need have no further anxiety about an alliance with Germany.

EXCERPT FROM DIARY OF FORMER UNITED STATES AMBASSADOR GREW, ENTITLED, "TEN YEARS IN JAPAN," page 312.

PURL: http://www.legal-tools.org/doc/510ac6/

Not used

Def Doc # 206 B (14)

Exhibit #_____

弁護側文書第二〇六號ー B （一四）

米内海軍大将新内閣ヲ主宰ス

一九四〇年一月十四日

内閣ハ辞職シ米内海軍大将ガ、有田ヲ外務大臣トシ余ノ畫友藤原ヲ商工大臣トシテ新内閣ヲ組織シタ。

米内ハ昨年春、獨乙トノ軍事同盟ニ反對シタ人デアッタ。余ハ齋藤ノ遺族ヲ訪レタ時、彼ヲ訪メテ知ッタノデアル。

彼ハ我ガ大使館テ晩餐ヲ共ニシタ事ガアリ、又余モ、海軍大宴會ノ際彼ト食事ヲ共ニシタ。此ノ宴會ノ後テ彼ハ余ニ對シ、獨乙トノ同盟ニ就テハソレ以上ノ憂慮ハ不要テアルト語ッタ。

グルー元合衆國大使ノ〝日本ニ於ケル十年間〟ト題スル日記三一二頁ヨリノ拔萃

PURL: http://www.legal-tools.org/doc/510ac6/

not used

Defense Document No. 206-H(15)

ARITA RETURNS TO JAPANESE FOREIGN OFFICE

January 18, 1940

Arita received the ambassadors individually, on assuming office in succession to Admiral Nomura. He told me that he had instructed Horinouchi to call on Mr. Hull to arrange the status of "treaty merchants" after the expiration of the treaty and he hoped that I would support the matter in order to avoid injury to the nationals of both countries. I merely reported the statement of fact. The Department knows my views. Later the Department cabled that the Japanese Counselor who called on Hornbeck, Horinouchi being ill, was told that the conversations regarding the treaty status should be carried on in Tokyo, so I shall now probably be called by Arita and can only cable his proposals back to Washington. This is something like a game of battledore and shuttlecock, but I think the Department is wise in concentrating the conversations in one place. I spoke to Arita briefly and informally of the unfortunate publicity in Tokyo which had misled the public into believing that I had given Admiral Nomura assurances that a treatyless situation would not arise. Now, however the situation is being presented by the press in its proper perspective.

EXCERPT FROM DIARY OF FORMER U.S. AMBASSADOR GREW, ENTITLED, "TEN YEARS IN JAPAN," pages 312-313

PURL: http://www.legal-tools.org/doc/510ac6/

Ref. Doc. 206-A(27) Not Used

. What is the new setup. How it will perform in actual practice remains to be seen. In all probability Prince Konoye, reflecting the presumable attitude of the Emperor and the elder statesmen, will exert reasonable control over the "wild men" and will endeavor to move slowly and with some degree of caution, at least until it becomes clear whether Great Britain is going to win or lose the war. * *

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EXCERPT FROM DIARY OF FORMER U.S. AMBASSADOR GREW, ENTITLED, "TEN YEARS IN JAPAN," page 325

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Def Doc No. 206-E(27)

RECEIVED
JUL 21 1947

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審議側文書二〇六ー（二七）

それが新態勢である。それが實際上如何なる役割を果すかは今後に見るべきである。

天皇及び元老の態度らしいものを反映して少くとも英國が戰爭に陷つか貰けるか明らかになるまでは近衞公は恐らく「無茶な人々」を相當に制禦し徐々にある程度の警戒を以て行かしようと努めると見てよからう。

「滿日十年」と題する前米國大使の日記

三二五頁拔萃

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Def. Doc. 206-E(20) Not Used

August 1, 1940

Among the photostats of interesting clippings from the American press received from the Department in the last pouch I note that with one exception these editorials and articles oppose a policy of "appeasing" Japan, and that the single exception is an editorial in the New York Daily News, whose arguments are presented by the "China Information Service" merely as a target to shoot at. It is therefore amply clear, if these clippings represent a fair cross section of the American press and of American opinion, that not many voices are being heard in favor of trying to "appease" Japan. The feeling appears from these clippings to be nearly unanimously the other way.

"Appeasement" has acquired since Munich a connotation which should forever bar the word from the vocabulary of good statesmanship. The attitude for which it stands is one from which I utterly and conclusively disassociate myself. That term connotes defeatism. The recommendations which I have made at various times during the past three years were calculated--if acted upon--to avoid need or occasion for the use of "appeasement" in any phase of our relations with Japan. The point which has possibly been overlooked by those who share the views described in these clippings is that, in the situation now existing, "appeasement" would be as distasteful to Japan as it would be to the United States. Our series of

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telegrams on Japanese press comment has not overlooked emphatic statements to the effect that Japan will not respond to proposals for adjustment of relations which the United States may make on grounds of expediency or other considerations growing out of the impact on the United States of the military situation in Europe. I have before me an editorial which, commenting on the question put by Sir Robert Craigie to Mr. Matsuoka whether Great Britain can expect to improve her relations with Japan, states:

"We know that British desires for improved relations with Japan are inspired only by British military defeats in Europe and we cannot expect that approaches in such circumstances to Japan for improvement of relations will be entertained."

After reading those clippings, which I assume are a fair cross section of the American papers, I have the impression that the American press and therefore the American public do not differentiate between "appeasement" and that form of adjustment of mutual problems which should not be beyond the wit and good will of men to bring about consistently with our honor, our interests, and our obligation to third countries.

DOCUMENT FROM DIVISION OF FOREIGN U.S. ARCHIVES DOR
G[illegible], ENTITLED, "T[illegible] IN J[illegible] N," pages
325-326

PURL: http://www.legal-tools.org/doc/510ac6/

Defense Document 206-E (36)

Not used

JAPAN BECOMES A FULL-FLEDGED AXIS PARTNER

October 1, 1940

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The opinion has been expressed that were sanctions to be imposed by us, they would have the effect of setting relations between Japan and the United States on a downward trend. Our recently initiated program of national defense, it is true, at present justifies steps not necessarily coming within the purview of out-and-out sanctions. We must keep in mind, however, the likelihood that export embargoes of a drastic nature on products so important as petroleum -- which are known to be possessed in abundance by the United States -- would be viewed by the Government and people of Japan as imperfectly disguised sanctions, which might, and probably would, cause some sort of retaliatory steps. * * *

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Excerpt from Diary of Former U. S. Ambassador
Crew entitled "Ten Years in Japan."
Page 336



PURL: http://www.legal-tools.org/doc/510ac6/

Defense Document 206-E (41)

Not Used

MATSUOKA TALKS FOR TWO HOURS AND A QUARTER

October 5, 1940

I called on Foreign Minister Matsuoka today at his invitation, and we talked, for the most part informally and off the record, for two and a quarter hours. As usual Mr. Matsuoka did about ninety-five per cent of the talking because his continuous monologues can be broken only by forceful intrusion. Although from time to time he brings up points of marked interest, his volubility flows on by the hour with little or no punctuation, and his discourses are therefore difficult to chronicle.

On this occasion Mr. Matsuoka's main thesis was that the present world situation results logically from the clash between tradition and the machine age. Only once during the conversation were heated words evoked, and those came from me when the Minister attempted to justify, on the ground of imperative necessity, national expansion by war, especially in the case of Germany. I had, as I pointed out, personally known the old Germany when within its own boundaries it was a happy, contented country, progressive and prosperous. The action of Germany's present leaders in grinding her weaker neighbors into the dust to satisfy their own megalomaniac ambitions could not possibly be condoned on the ground of necessity: to try to do so was utterly preposterous. In the case of Japan, I personally appreciated her economic needs. Japan's relations with the United States have not, however, been brought to their present deplorable pass by the reasonable urge of those needs, but rather by the employment of methods of force in following that urge instead of themethods envisaged in Mr. Hull's logical and practical plans for following orderly processes in the solution of economic troubles. At that point Mr. Matsuoka characterized the Anglo-Saxon countries as smugly convinced that they are right in everything they do and intransigently unwilling ever to acknowledge themselves in the wrong. On that point I said that I had never yet found a Japanese willing to acknowledge the patent fact that Japan had violated the provisions of the Nine-Power Treaty, to which Mr. Matsuoka to my surprise said

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that he was perfectly willing to admit that fact to me but he added naively that of course he could not do so politically as he had been urged to do before the League of Nations.

The Minister said that he had retired from public affairs for a long time and had thrice refused posts in the last Konoye cabinet, but that he had finally been led by his intensive pondering on the sorry state of his country to urge Prince Konoye to emerge again, as he felt that Konoye was the only person who could rescue Japan from impending revolution and chaos. Konoye was no longer the vacillating politician of his former premiership but an entirely different person, inflexibly determined to save his country, where even now revolution threatens. In answer to my question as to what kind of revolution he feared, Mr. Matsuoka replied, "political, economic, and social revolution," and expressed his feeling that the danger was by no means past. He then discussed at some length the vacillation and weakness of the former Minister for Foreign Affairs.

Mr. Matsuoka said that now the alliance with Germany and Italy was consummated and off his mind, he intends to get to work immediately and do all that he can to clear up the accumulation of American complaints which I had presented to him. It had been a sine qua non of his taking office that he was to direct Japan's foreign relations, and he says he does not propose to let the military, particularly the hotheaded younger officers, dictate to him.

In the course of his talk the Minister said that Japan has no intention of driving the interests of other nations out of East Asia, but welcomes their co-operation in the development of the New Order. I immediately took him up on this point and said I was delighted to hear him say what he had. As I had clearly indicated in former talks, however, the fact of the matter is that many legitimate American interests built up through generations have already been driven out of Japan, and that the process goes on apace. Mr. Matsuoka's reply was, as usual, that as soon as the hostilities in China are terminated and Chiang Kai-shek is defeated, these questions will

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be solved. He also expressed his usual appeal that the United States should cease giving aid to Chiang. Also as usual, I repeated the American position relating to that question.

When I was just about to leave, the Minister earnestly requested me to urge that my Government impose on further embargoes against Japan. He said that such embargoes "would not seriously handicap us" but would intensely anger the Japanese people. He added that the thought of war between Japan and the United States made him shudder. (I believe that Mr. Matsuoka is right as to the immediate effect of such embargoes as contrasted with their longterm effect.)

Excerpt from Diary of Former U. S. Ambassador Grew entitled "Ten Years in Japan."
Pages 344 and 345

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not used

Def, Doc, No206-E(41)

松岡二時間十五分に亙り語る

一九四〇年（昭和十五年）十月五日

余は招かれて本日松岡外相を訪問の上二時間と十五分に亙り大体非公式に打解けて語り合つた。例により會談の九割五分は松岡氏が話したがこれは彼が独りで話し續けるのを止めんとすれば無理に口喙を容れなければならないからである。彼は時折興味ある話題を取上げはするものの、彼の能辯には殆んど句切がないので彼の談話を記錄する事は困難である。此際の松岡氏の主論は世界の現狀は論理的には傳統と機械化時代との衝突より發生せるものであると云ふ事であつた。本會話中敎示した言葉が只の一言發せられた而も其言葉は外相が一体國家は緊急必要の場合には飛に獨逸に於けるが如く戰爭に依ると云ふ様な事を正當化せんと試みた時に余の口から發せられたものであつた。已に指摘した様に余は獨逸は

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其國境内に在る時は幸福な、滿足した國であり進歩的で而も繁榮して居た事を個人として克く承知して居るのであるが、獨逸現代の指導者等が己が氣狂ひじみた野心を充たす爲めに弱小な近隣諸國を蹂躙しつゝある共行動は單に必要たからと云ふ理由で許さるべきものではない。强ひて斯る行動を爲すことはたいそれた事である。日本に關しては余は其經濟的要求を認める、日米關係が今日の如き忌むべき狀勢となつたのは夫れ等の要求の合理的な追求の故ではなく、經濟紛爭解決の爲採るべき順序ある手段として折角ハルが考へ及んだ處の合理的にして實際的な方法に據らず却つて武力を使用したからに外ならない。此の時松岡氏は一体アングロ、サクソン諸國は自分等の爲す事は何でも正當であると自惚れて居り、彼等が間違つてゐると云ふことは非妥協的に決して認めないとなした。そこで余は日本は九ケ國條約を侵犯して居るのたが此顯然たる事實を進んで認識せんとする樣な日本人が一人でもあるのかと云ふたら松岡氏は自分は此事實を充分に容認する者であると答へて余を驚かした併し彼は國際聯盟でやれと云はれた樣に之を政治的に云々する事は到底出

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來ない事たと附言した。

大臣は永い間公爵から離れて居り最後の近衛内閣に於て三度閣僚の地位を拒絶した。併し彼は祖國の悲しむべき情勢を深慮し遂に近衛公を促かし再び出馬せしむる事とした夫れは革命と騒乱とが焦眉に迫つて居る日本を救ふには近衛を措いて他に人なしと思つたからた。近衛は彼が以前總理であつた時の様に強要な政治家でなく、彼は今日も革命の脅威に暴されて居る祖國を救ふべく不撓の決意を有し以前の近衛とは全然別人と成つて居る。余は然らば如何なる種類の革命を恐れるやと問ひたるに彼は「政治的、經濟的及社會的革命」であると答へ此危險は決して去りたるに然ずとの彼の感想を述べた。尊で彼は前外務大臣の優柔不斷さを可なり長々と物語つた。

松岡氏は今や獨伊との同盟も完成したし念頭にないから直ちに仕事に取掛り余が彼に提出した數々の亞米利加側の抗議を解決する爲全力を注がなくてはならぬと語つたが抑も々々彼が外相の地位に据つたのは日本の外交關係を自ら指導する事が其必須條件であつたのであり而して彼は軍

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部殊に血氣はやる若い將校等に指圖される樣な事は斷じてしないと云ふのである。

會談中外相は日本は他國の利益を東西から驅逐するが如き意圖は毛頭ない却つて新秩序發展の爲に彼等の協力を歡迎すると語つた。余は此點に就いて直ちに言葉を挾み余は彼が云つたことと聞いた事を以て欣快に思ふ旨語つた。併し前回の會談に就て云つた樣に年數を置いて確立された多くの亞米利加の權益が已に日本から驅逐され現在でもざしざし行はれてある。松岡氏は列に次り支那との戰爭が妥當し蔣介石が打倒されたら直ちに此等の問題は解決するであらうと回答し又米國は對蔣援助を止めて呉れと例の通り訴へた。余は之に對し又例の通り本問題に關する米國の地位を繰返し述べた。

擧去に鑑し大臣は米國政府が此上更に對日通商禁示を施さぬ樣に主張されん事いと余に熱心に申し出で新設な通商禁止は日本を著く不利益な地位に置くものでないが日本國民を痛く憤激させるであらうと語り尙ほ彼は日米戰爭の如き考へる丈けでも恐しいことであると附言した。（斯樣な

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通商禁止は其長期に至る影響と對照して松岡氏が其直接の結果に關し語る處は盡し當れりと余は信ずる〉

前米國大使グルー氏「滿日十年」と題する日記より抜萃

頁三四四及三四五

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DEF. DOC. NO. 206-E (41) to(86) inclusive.

SUBJECT : EXCERPTS FROM AMBASSADOR GREW'S "TEN YEARS IN JAPAN

NOTE : To facilitate handling, all summaries of the documents of this series, being from the Grew Diary, are here grouped on one memo. The page of the Diary and date written are shown over each summary, with a comment on the group following the last item.

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Def. Doc. No. 206-E (41) - 5 Oct. 1940 (pp. 344-345)

Grew gets "off the record" admission from MATSUOKA that Japan had violated Nine-Power Treaty, but that Japan had no intention of driving other nations out of East Asia. He urged that the U. S. cease aid to CHIANG and stated that further embargos against Japan could "anger Japanese people" rather than create any serious handicap.

MATSUOKA says that the Triple Alliance has been consummated and off his mind, but he will do all that he can to clear up the accumulation of American complaints, as he does not propose to let the military dictate Japan's foreign relations.

N. B. This would harm more than help defense.

Def. Doc. No. 206-E (42) - 9 Oct. 1940 (pp. 346-347)

Foreign Vice-Minister OHASHI asks explanation of U. S. Government "ordering" American citizens in Far East to evacuate, and also of press reports that U. S. has decided to declare a total embargo against Japan. OHASHI speaks of Japan's desire for peace with the U. S. and that she has no thought of attacking America. It gives Grew the clear impression that MATSUOKA is disturbed by the course of developments in the United States, and that such action is becoming effective.

N. B. Irrelevant unless to prove that such an explanation was refused, linking it up with other proof.

Def. Doc. No. 206-E (43) - 22 Oct. 1940 (pp. 347)

Grew reports again hearing that the Emperor and KONOYE were opposed to the Tripartite Pact, that both were forced, the Emperor being told he "might not survive a refusal.

N. B. Irrelevant unless linked up to some issue.

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Def. Doc. No. 206-E (44) - 7 Nov. 1940 (p. 350)

MATSUOKA informs Grew that he has persuaded Admiral NOMURA to accept the post as Ambassador to Washington, that NOMURA is fundamentally friendly with U. S. and he being an ex-Foreign Minister, Grew knows him well and holds him in high esteem.

N. B. Opinion of character - not in issue.

Def. Doc. No. 206-E (45) - 10 Nov. 1940 (pp. 350, 351)

MATSUOKA informally tells Grew that NOMURA had been reluctant about accepting post at Washington fearing he would be making assurances which might later be invalidated.

Mr. Grew tells MATSUOKA that they should read more American press reports and understand American public opinion; also, that Japan's actions in China against our interests will count more than mere assurances.

Def. Doc. No. 206-E (46) - 10 Nov. 1940 (pp. 352, 353)

A general description of the elaborate ceremony in Tokyo of the 2600th anniversary of the Japanese Empire. Grew believes, and French Ambassador confirms, that Emperor was pleased and purposely showed his approval of Grew speech. Grew mentions that the text had been approved in Washington.

Def. Doc. 206-E (47) - 25 Nov. 1940 (p. 354)

Grew concludes from reports on good authority, that it was MATSUOKA who engineered Japan's approval of the Tripartite Pact and got the Emperor's okay on the theory that it would avert war with the U. S.

N. B. Facts and conclusion based on hearsay.

Def. Doc. 206-E (48) - 25 Nov. 1940 (p. 354)

Grew reports death of Prince SAIONJI, that he ordered usual respects and telegraphed condolences.

Def. Doc. 206-E (49) - 25 Nov. 1940 (p. 354)

Grew hears of Japanese peace offer to China instigated by Germany, which, if refused, will necessitate their recognizing Wang Ching-wei.

Def. Doc. 206-E (50) - 7 Dec. 1940 (pp. 355-357)

Grew reports that a prominent unnamed Japanese from the element who fear war wishes to go to America with some undisclosed plan to improve relations. Grew believes this to be merely another attempt to have U. S. mediate for peace with CHIANG Kai-shek and to improve current relations. He believes

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that this"Mr. Y" lacks proper understanding of our government and people; that his group misunderstands our intentions as they read only Japanese censored news and they are powerless to accomplish anything in Japan.

Grew calls attention to his September 12th telegram urging that despite risk, a policy of firmness is much safer than to pursue a laissez-faire attitude.

N. B. Irrelevant and entirely Grew's opinion.

Def. Doc. No. 206-E (51) - 1 Jan. 1941 (p. 358)

Grew reports that time for appeasement has passed; that we cannot await a British victory, and only by discrediting Jap extremists can we help matters. He believes they are digging in over a far-flung area, that the situation is dangerous, and we must be ready for anything.

Def. Doc. 206-E (52) - 1 Jan. 1941 (pp. 358, 359)

Grew says turning point in the war has come. President Roosevelt's address of December 29, 1940 is thought by Grew to have been a great influence.

Def. Doc. No. 206-E (53) - 1 Jan. 1941 (p. 359)

Mr. Grew quotes part of a letter he wrote to President Roosevelt in which he lists what he believes are the chief factors to settle in the problem of when to have a "showdown" with the Japanese, (1) Britain's chances to win, (2) handicap to British if we enter, and (3) our stage of preparedness.

Def. Doc. 206-E (54) - 1 Jan. 1941 (p. 359)

Grew despairs over his eight-year endeavor to build enduring relations with Japan now gone. He predicts that Japan will eventually be seriously handicapped by the embargo but will push toward economic self-sufficiency.

Def. Doc. No. 206-E (55) - 1 Jan. 1941 (p. 360)

Grew reports that our retaliation actions are giving grave concern to certain Japanese elements, including MATSUOKA, but that those elements are powerless; also, that the Germans are pushing them to start war with us.

Def. Doc. No. 206-E (56) - 1 Jan. 1941 (pp. 360, 361)

Grew warns the danger of following a policy of laissez-faire and restates that without firm action we risk sudden strokes by Japan. That despite internal controversy the totalitarian expansion continues, clothed with righteous slogans.

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Def. Doc. 206-E (57) - 21 Jan. 1941 (p. 365)

The President replies to Grew's December 14th letter and agrees with Grew's views and foresees the European conflict as a world conflict. As to hostilities with Japan hindering aid to Britain, he believes that we must first consider the possible hindrance that would result if Japan took the East Indies area. He feels that it is "possible" for us to join in stopping such a move without exceeding our capacity and giving the aid needed. He feels that with our help the British will ultimately win.

Def. Doc. 206-E (58) - 3 Jan. 1941 (p. 365)

Mr. Grew reports on German activities to cause some break in Japanese-American diplomatic relations, their efforts to embroil the two countries, and to propell the advance south. Grew tells of the arguments he uses to draw attention of influential persons, including the Foreign Minister, to the German efforts, and the bad results to expect if continued.

Def. Doc. 206E(59) - 7 Jan. 1941 (p. 366)

Grew refers to editorial in KOKUMIN which warns Japanese that "war between U. S. and Japan will be necessary" because of Britain's imminent collapse and America's expected entrance into European conflict, which will make the Pacific the major battle scene.

Def. Doc. 206-E (60) 18 Jan. 1941 (p. 366)

Grew reports that at farewell luncheon for NOMURA, MATSUOKA said American-Japanese relations couldn't be worse. He "practically threatened" U. S. with war. Mr. Grew replied that the American people are peace loving, but determined to defend their rights and obligations in the Pacific.

Def. Doc. 206-E (71) - 10 Apr. 1941 (pp. 378, 379)

Grew reports of MATSUOKA's visiting Europe; of his talks with Stalin in which MATSUOKA compared Japanese family life as on a parallel with Communism; of his later telling the German press that he laid the worst ills to Anglo-Saxon domination.

Def. Doc. 206-E (72) - 10 Apr. 1941 (pp. 380, 381)

Grew finds the Japanese domestic situation worse; that HIRANUMA is responsible for the April Cabinet change, bringing in OGURA, TOYODA, and SUZUKI: also, that the Axis sentiment is cooling down a bit.

Def. Doc. 206-E (73) - 15 Apr. 1941 (p. 380)

ISHII is reported to have made a flat denial of the hot

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rumor that Japan was to attack Singapore. General ISHIHARA retired, and belief is his advocating such an attack was cause of retirement.

Def. Doc. 206-E (74) - 17 Apr. 1941 (pp. 380, 381)

Grew advises that press comment on Japan's pact with Russia is very guarded since the press was given confidential instructions as to what they could say.

He also reports an increase of German fifth column activity and that the Gestapo is causing real concern, searching out anti-Axis sentiment to aid the Japanese police.

Def. Doc. 206-E (75) - 22 Apr. 1941 (pp. 381-384)

Grew analyzes causes of the Japanese-Soviet Neutrality Pact: That Japan wanted no trouble at rear if moving south and Russia wanted a free hand to deal with Germany, also that no price had to be paid by Japan.

Def. Doc. 206-E (76) - 22 Apr. 1941 (p. 384)

Grew believes that Germany will attack Russia to get needed grain and oil.

Def. Doc. 206-E (77) - 25 Apr. 1941 (pp. 384, 385)

Grew learns of MATSUOKA's answer to the Black Dragon Society about the Neutrality Pact; that no secret clauses were involved, and that ideal was HAKKO ICHIU, universal peace without exploitation.

Def. Doc. 206-E (78) - 2 May 1941 (p. 385)

Writer thinks that his popular success in concluding the pact with Russia is encouraging MATSUOKA's ambition to become Premier, but the Cabinet is distrusting him more, fearing that he may cause war with U. S.

Def. Doc. 206-E (79) - 15 May 1941 - (pp. 387, 388)

Cleavage between HONDA, Japan's Ambassador to NANKING, and MATSUOKA is observed. Grew believes foreign policy is divided in the Cabinet, as MATSUOKA now supports negotiations with CHIANG Kai-Shek.

Def. Doc. 206-E (80) - 27 May 1941 (pp. 388-392)

Grew relates MATSUOKA's verbal opinion stated in Grew's presence that U. S.'s diplomacy toward Germany is "unmanly, indecent and unreasonable", and that in case of a war between Germany and U. S., Japan would be obliged to fight U. S.

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MATSUOKA's apology for the above remarks is for his imprudence. He discloses that if Japan really desires peace with U. S., America's self-defense measures should not be regarded as "aggression" by Japan.

Grew says that MATSUOKA's unorthodox opinion does not necessarily represent the Japanese Government's opinion, but Grew reluctantly expresses doubts about MATSUOKA's intellectual and political honesty.

Def. Doc. 206-E (81) - 22 June 1941 (p. 395)

Grew surprised at sudden news of Germany attacking Russia, but says he predicted it.

Def. Doc. 206-E (82) - 26 June 1941 (p. 396)

Grew attempts to determine what Japan's attitude will be toward the German attack on Russia. MATSUOKA hesitates, being surprised. Apparently, their pro-Axis policy must assume a new basis.

Def. Doc. 206-E (83) - 5 July 1941 (pp. 396-400)

President Roosevelt seeks assurance from Japan that reports of Japan entering into hostilities against Russia to be a rumor.

KONOYE stalled, required discussions to be with Foreign Minister, who indicated it was only a rumor, but they still resent our helping Britain and do not consider it self-defense. MATSUOKA dies, before clear assurance is given.

Def. Doc. 206-E (85) - 12 July 1941 (p. 403)

Rumors that Japan is mobilizing certain reserves; but considered only precaution.

Def. Doc. 206-E (86) - 12 July, 1941 (p. 404)

As mobilization increased rail and sea travel is impeded and by August Jap ships quit sailing to U. S. Americans sailing to Shanghai practically stopped.

Comment as to Excerpts 206-E (41) - (86)

Although these excerpts show that our relations with Japan continued to become worse from October, 1940, to July, 1941, the bulk of these are personal opinions and observations by the Ambassador and few prove any overt act. In their nature the facts reported are mostly hearsay. It would appear that only the conversations reported should be admissable or the excerpts referring directly to actions taken; otherwise the record is burdened with cumulative observations.

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D Defense Document 206-E (53)

"THE AXIS LOSERS ARE NOT GOING
TO WIN THIS WAR"

January 1, 1941

* * * * * *

On December 14 I wrote the following letter to the President:

Dear Frank:

. . . About Japan and all her works. It seems to me to be increasingly clear that we are bound to have a showdown someday, and the principal question at issue is whether it is to our advantage to have that showdown sooner or to have it later.

The chief factors in the problem would seem, from this angle, to be:

(1) Whether and when Britain is likely to win the European war;

(2) Whether our getting into war with Japan would so handicap our help to Britain in Europe as to make the difference to Britain between victory and defeat;

(3) To what extent our own policy in the Far East must be timed with our preparedness program and with respect to the relative strength of the American and the Japanese navies now and later.

These are questions which, with our limited information here, I am not qualified even approximately to answer.

Excerpt from Diary of Former U. S. Ambassador
Grew entitled "Ten Years in Japan."
Page 359

(c) The treaty should tend to help rather than to thwart a conclusion of the conflict in China, regardless of any reservations on the part of the Soviets with regard to China or any subtleties in phraseology;

(d) With respect to Japan's relations with Soviet Russia, the treaty will tend to balance the one-sided nature of the Tripartite Alliance,

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Def Doc No. 206-E (53)

弁護側文書二〇六－E（五三）

「極東國は今次戦争に勝算無し」

一九四一年一月一日

十二月十四日に私は大統領宛に次の手紙を書いた。

フランク談

……日本及び獨逸の行動に就て。何日かは必ず我々が、内容を公開しなければならないといふ事が、愈々明白になると、私には思へます。そして當面の主要問題は赤軍を早くするが、我々に有利であるか、或は遅くするが、有利であるかである。

此の角度から見れば問題の主なる原因は次の通りであると思はれます。

一、英國は欧洲戦争に勝つ見込みが、あるか、又それは何時か

二、米國の對日戦争が、欧洲に於ける我々の對英援助の妨げとなつて英國の妨碍になるか否か

三、我々の極東政策は米國の國防計畫及び現在及び今後の日米の相對的海

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(c) The treaty should tend to help rather than to thwart a conclusion of the conflict in China, regardless of any reservations on the part of the Soviets with regard to China or any subtleties in phraseology;

(d) With respect to Japan's relations with Soviet Russia, the treaty will tend to balance the one-sided nature of the Tripartite Alliance,

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"THE AXIS POWERS ARE NOT GOING
TO WIN THIS WAR"

January 1, 1941

* * * * * *

From the Tokyo angle we see the picture roughly as follows:

After eight years of effort to build up something permanently constructive in American-Japanese relations, I find that diplomacy has been defeated by trends and forces utterly beyond its control, and that our work has been swept away as if by a typhoon, with little or nothing remaining to show for it. * * * Economic obstacles, such as may arise from American embargoes, will seriously handicap Japan in the long run, but meanwhile they tend to push the Japanese onward in a forlorn hope of making themselves economically self-sufficient.

* * * * * *

Excerpt from Diary of Former U. S. Ambassador
Grew entitled "Ten Years in Japan."
Page 359

(c) The treaty should tend to help rather than to thwart a conclusion of the conflict in China, regardless of any reservations on the part of the Soviets with regard to China or any subtleties in phraseology;

(d) With respect to Japan's relations with Soviet Russia, the treaty will tend to balance the one-sided nature of the Tripartite Alliance,

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Def Doc No. 2064E (54)

枢軸諸國本大戰ニ就イテ斷ジテ敗北セン

：　：　：

一九四一年一月一日

東京ヨリ見タル狀勢ハ概略左ノ如クデアル。

日米關係ヲ何等カノ永續性ノ有ル建設的ナモノニ續キ上ゲントシタ八年間ノ努力ノ結果モ外交ヲ以テシテハ如何トモシ難イ諸々ノ趨勢及勢力ノ爲ニ敗北ヲ喫シ、吾々ノ努力モ颱風一過、殆ド若クハ全然其ノ跡ヲモ留メナイデキル：：：米國ノ對日輸出禁止指令ニ伴ツテ生ズルト想像サレル經濟的ナ障害モ終局ニ於イテハ日本ヲ深刻ナル不利ニ陷イレルモノデアルニシテモ當分ノ間ハ日本人ノ決死的ナ經濟自足体制確立ニ拍車ヲ掛ケルコトトナルニ過ギナイ

：：：：：：：：：：：：

〝對日十年〟ト題スル前米國大使グルー氏日記ヨリノ拔萃　三五九頁

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(c) The treaty should tend to help rather than to thwart a conclusion of the conflict in China, regardless of any reservations on the part of the Soviets with regard to China or any subtleties in phraseology;

(d) With respect to Japan's relations with Soviet Russia, the treaty will tend to balance the one-sided nature of the Tripartite Alliance,

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Not used

Def, Doc, NG306—E(56)

日本ハスツカリ立派ナ樞軸ノ盟邦トナル

一九四〇年十月一日

X　X　X　X

X　X

モシ我ヤガ側ニ加ヘタナラ日本ト合衆國間ノ關係ヲ惡化サセルヤウナ效果ヲモタラシハデアラウトイフ意見ガ發表サレタ。ソレ程我ヘガ最近開始シタ國防計畫ヲ見レバ徹底的制裁ノ範圍内ニハ必ズシモ含マレナイ或ル種ノ措置ヲトルモ當然デアルコトガ解ルガシカシナガラ彼ハ合衆國ガ多量ニ所持セルモノトシテ知ラレテヰル石油ノ如キ重要生產品ノ輸出禁止ノ英斷ハ日本政府及國民ニヨリ倘積不完全ナ制裁ト解サレ恐クハ或ルモノ緩復手段ヲ採ラシメルカモ知レナイ否多分ソウナルデアラウトイフコトヲ我ヤハ念頭ニ置カネバナラヌ。

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(c) The treaty should tend to help rather than to thwart a conclusion of the conflict in China, regardless of any reservations on the part of the Soviets with regard to China or any subtleties in phraseology;

(d) With respect to Japan's relations with Soviet Russia, the treaty will tend to balance the one-sided nature of the Tripartite Alliance,

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Defense Document 306-E (75)

BACKGROUND ON THE SOVIET-JAPANESE PACT

April 22, 1941

I have already written, in the March diary, of Matsuoka's first talk with Stalin on the former's way to Berlin and how he lectured Stalin on Japanese ideology for fifty-eight minutes out of the sixty-minute interview, maintaining that there is a close parallel between Communism and Japanese family life. On returning from Berlin, Matsuoka told Steinhardt that he has little hope of concluding a treaty with Stalin because he was not willing, and the Japanese public would not stand for the concessions which the Russians were asking for a nonaggression pact. But then at the last minute it appears that Stalin suddenly suggested a neutrality pact, which was signed in a few minutes, with no concessions (unless there were secret concessions) on the part of Japan. Nobody, apparently, was more surprised than Matsuoka.

In my analysis of the results of the neutrality pact, in the absence of information as to any secret commitments or understandings, I have come to the following conclusions:

(a) Due to the fact that Japan, at least publicly, was not obliged to pay a price for the pact, it represented a great personal success for Matsuoka.

(b) Instead of defining the policies and obligations of the respective signatories, the treaty was apparently concluded chiefly for the effect which each party believed it would exert on the other party and on third parties (on Germany, from the Soviet point of view, and on the United States and Great Britain, from the Japanese point of view);

(c) The treaty should tend to help rather than to thwart a conclusion of the conflict in China, regardless of any reservations on the part of the Soviets with regard to China or any subtleties in phraseology;

(d) With respect to Japan's relations with Soviet Russia, the treaty will tend to balance the one-sided nature of the Tripartite Alliance,

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especially considering the somewhat formalistic Japanese mind;

(e) The pact will tend to stimulate and support the Japanese extremists who advocate a vigorous prosecution of the southward advance because it guarantees Soviet neutrality in case Japan gets into war with a third country (i.e., the United States).

During Matsuoka's talks with Steinhardt, who gave a luncheon for him, the following points emerged, and I have no hesitation in setting them down because Matsuoka, if he has time when he returns, will tell me everything that he told Steinhardt:

(1) No commitments were made by Matsuoka in either Berlin or Rome.

(2) The chief purpose of Japan in entering the Tripartite Alliance was to preserve peace -- a theme upon which Matsuoka constantly harps both in public and in private.

(3) Japan would be obliged to go to war with the United States only if we should declare war on Germany, but that Japan would of course confer with Germany first.

(4) Matsuoka does not believe that Germany will declare war on the United States, but if that should happen he hopes that Japan will be given time to make her position clear before we make any move in the Pacific.

(5) Japan will strictly carry out her obligations to the Axis.

(6) Matsuoka had been told by both Hitler and Ribbentrop that they did not want war with the United States.

(7) They had also suggested that anti-American agitation in Japan be stopped.

(8) All three of them had expressed a wish for peace but they saw no possibility of peace until England had capitulated.

(9) Hitler had created a personally favorable impression on Matsuoka, who characterized him as a genius. He had been reasonable and calm in all their talks and had shown none of the excitable characteristics generally attributed to him.

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(10) Ribbentrop admired the fight that Britain was putting up and realized that she was stronger now, from the point of view of defense, than when the war began. He expressed the opinion that the British Empire should not be destroyed.

(11) Hitler would invade Britain only under necessity and fully expected to win through aviation and the submarine.

(12) Matsuoka did not believe that Britain could drive a wedge between Germany and Italy, the latter being largely under German control while mutual personal admiration existed between Hitler and Mussolini. But the Germans had been instructed not to "look down or talk down" to the Italians. Mussolini showed no discouragement over his recent reverses and was sure that he would shortly stage a "comeback."

(13) Owing to the excessive demands of the Soviets, Matsuoka had made little progress in talking with Molotov.

(14) Japan had the choice of coming to an agreement with Moscow or becoming embroiled with the Soviet Union.

(15) Matsuoka earnestly desired an end of the war in China and felt that this could be brought about if the President would tell Chiang Kai-shek that if he refused to accept reasonable and fair peace terms, American aid would cease. Nevertheless, the Japanese would not accept mediation and peace could be effected only through direct negotiation between the two nations.

(16) Unless the Soviet Union substantially reduced its delivery of supplies to Germany, the Germans would not invade Russia, although they were fully prepared to do so. He thought that it was for the purpose of frightening the Soviets into continuing supplies that the Germans had given out rumors of a possible attack.

(17) Matsuoka hoped that the President and Mr. Hull would have confidence in him.

Steinhardt later took the precaution of reading the foregoing points to Matsuoka, who confirmed them as an accurate record of what he had said.

Excerpt from Diary of Former U. S. Ambassador
Grew entitled "Ten Years in Japan."
Pages 381-384

PURL: http://www.legal-tools.org/doc/510ac6/

（七五）

二〇六―B

供述書補

一九四一年四月二十二日

私は已に三月の日記に松岡がベルリンに赴く途中スターリンと最初の會談をしたと及び彼が共産主義と日本の家族生活との間に極く似通つたものがあると主張して、六十分間の會見の中五十八分間日本のイデオロギーをスターリンに説いた次第について書いた。ベルリンから歸途するや松岡はスターリンとの條約はスターリンにその氣が無く又ロシヤが不可侵條約に對し異求する歩に對し日本の民衆が賛成しないからとの結の叙みは殆んどないとシュタインハルトに語つた6

併しながら會見の最後になつてスターリンが突然中立條約を提案した樣に思はれる。そしてそれは日本側に於て何等の讓歩が無いとしてせず二、三分間の中に調印された。恐らく松岡自身最も驚いたことであらう。

エトの中立を保證するのでそれは南方進出の明力な遂行を唱へル日本の禍端論者を刺激し支持するに至るであらう。シュタインハルトが千慶を洪して松岡と會談中次の諸點が明かにされた。そして若し松岡があれば彼がシュタインハルトに語つた事ですべて私に語るだらうと思ふのそれらの諸點を導入なく記入する。

(1) 松岡はベルリンに於ても何等公約はしなかつた。

(2) 日本が三國同盟に加入した主な目的は平和を維持する事であつた。そしてその事は松岡が公的にも私的にも不斷に繰り返し述べてゐる項目であつた。

(3) 若し彼がドイツに宣戰布告をする樣なことがある場合のみ日本はアメリカ合衆國と開戰を餘儀なくされるだらう。併しそれについては日本は勿論先づドイツと協議をするだらう。

(4) 松岡はドイツがアメリカ合衆國に對して宣戰布告をするとは信じて居ない併し萬一それが起つた場合には、彼は我々が太平洋に於て如何なる行動をもとらない中に日本の立場を明かにする余裕を與へられる事を希望するも日本は樞軸國に對し日本の義務を嚴正に遂行するだらう。

(5)

秘密の條約或は諒解に就いては何等情報を得て居ないので、私は中立條約の結果を分析して見て次の如き結論に到達した。

(A) この條約に對して日本は少くとも表面上は何等代價を拂ふことを强ひられて居ないといふ事實に鑑み、それは松岡の大なる個人的成功である。

(B) この條約は、各締結國の政策及び義務を限定することなく、主として相手方及び第三國ノ、にソヴエトの立場からすればアメリカ合衆國及び其帶國に對へると各自信ずるところの效果を狙つて締結されたもの：思はれる。

(C) この條約は支那に關しソヴエト側が差控へて居る點があり、又微妙な言廻ひがしてあるにも拘らず、支那事變の終結を阻止するよりは寧ろ助長する傾向がある。

(D) 日本のソヴエトロシヤとの關係に關しこの條約は三國同盟の一方的性質を平衡せしめるであらう。殊に稍形式主義的な日本人の心を考慮に入れればそうである。

(E) この條約は日本が第三國(即ちアメリカ合衆國)と戰爭に入る場合にソヴ

エトの中立を保證するのでそれは兩方逼出の明力な遂行を唱へル日本の觀端論者を刺激し支持するに至るであらう。シュタインハルトが千蜜を供して松岡と會談中次の諸點が明かにされた。そして若し松岡が斷つた時限があれば彼がシュタインハルトに語つた事ごすべて私に語るだらうと思ふのでそれらの諸點を遠慮なく記入する。

(1) 松岡はベルリンに於ても何等公約はしなかつた。

(2) 日本が三國同盟に加入した主な目的は平和を維持する事であつた。そしてその事は松岡が公的にも私的にも不斷に繰り返し述べてゐる項目であつた。

(3) 若し我々がドイツに宣戰布告をする樣なことがある場合のみ日本はアメリカ合衆國と開戰を餘儀なくされるだらう。併しそれについては日本は勿論先づドイツと協議をするだらう。

(4) 松岡はドイツがアメリカ合衆國に對して宣戰布告をするとは信じて居ない併し萬一それが起つた場合には、彼は我々が太平洋に於て如何なる行動をもとらない中に日本の立場を明かにする余裕を與へられる事を希望するも

(5) 日本は樞軸國に對し日本の義務を嚴正に遂行するだらう。

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(6) 松岡はヒットラー及リッペンドロップ兩者から彼等はアメリカ合衆國との戰爭を欲しないと言はれてゐた。

(7) 彼等は又日本に於ける反アメリカ運動を阻止するに盡した。

(8) 彼等三人共平和に對する希望を述べた。併し彼等は英國が降伏する迄は平和の可能性はないと思つて居た。

(9) ヒットラーは個人的には好印象を松岡に與へた。そして松岡はヒットラーを天才と批評した。彼は松岡と會談中終始心痛深く落着いて居つた。そして彼の特質と一致に考へられて居る激しい特性を示さなかつた。4

(10) リッペントロップは英國が天晴れな戰鬪をしてゐるのを賞讃した、そして彼は防禦の見地から英國は開戰當時よりも今在の方が强いといふ事を述べた。

(11) ヒットラーは止むを得ない場合に於てのみ英國に侵入するだらう、そして帝國を滅亡させるべきでないといふ意見を述べた。

(12) 松岡は英國がドイツとイタリーとの間に航空と潛水艦とに依り勝利を得る事を充分に期待して居た。

信じなかつた。ヒットラーとムッソリーニとを打ち込む事が出來得るとは

(ある限りイタリーは廣範圍に亘り、ドイツの支配下にあつたからである、併しドイツ人はイタリー人に對し見下けたり、見下りて話したりしてはならぬと敎へられて居た。ムツソリーニは最近の敗北に失望を示さなかつた。そして彼は間もなく挽回出來ると確信して居つた。

(15) ソヴイエツトの要求が過大なため松岡とモロトフとの會談は殆ど進捗を示さなかつた。

(14) 日本はモスコーと話合をつけるか或はソヴエツト聯邦との紛爭を起すか選擇は自由であつた。

(13) 松岡は支那に於ける戰爭の終結を熱望した。そして若しアメリカの大統領が將介石に合理的な公平な不利條件の受諾を拒絶するならばアメリカは援助を中止すると言へば戰爭の終結が齎らされるだらうと考へた。けれども日本人は仲裁を受け容れないだらう。そして和平は兩國間の直接交渉に依るより外に適當の途はないであらう。

(16) ソヴエツト聯邦がドイツへの糧食等の供給を甚しく減らさない限り、ドイツは充分準備出來て居てもロシアを侵略しないであらう。

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(17)

ドイツがロシアを攻撃するかも知れぬといふ風説を公にしたのは、ソヴイエトを恐怖させて糧食の供給を受けさせる為であると松岡は答へた。

松岡は大統領及びハル氏が彼を信頼する漸希望した。シュタインハルトはその後田心栞く松岡に對して前述の諸點を讀み聞かせた。そして松岡はそれは彼が云つた事の正確な記錄であると確認した。

日本に於ける十年

と題する前アメリカ合衆國大使グルーの日記の抜萃 三八一頁－三八四頁

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...f the Document 206-B (82)

. JAPAN ADOPTS A WATCHFUL WAITING POLICY
TOWARD RUSSIA

June 26, 1941

We learn that on June 24 the Soviet Ambassador did ask the Foreign Minister as to Japan's attitude in the Soviet-German war and was told that the policy of Japan had not yet been formulated. This policy, said Matsuoka, would be largely influenced by a determination as to where the responsibility for the outbreak of war lay, and he added that the fundamental policy of Japan was based on the Axis. Japan must therefore determine whether Soviet-Japanese relations could now be brought into line with this fundamental policy of Japan.

It is clear that when Japan joined the Axis, it was done on the assumption that the close association of Germany with Soviet Russia would continue and that this basic pro-Axis policy has been destroyed by the outbreak of the Soviet-German war. At least in theory. We shall see.

Excerpt from Diary of Former U. S. Ambassador
Grew entitled "Ten Years in Japan."
Page 396

PURL: http://www.legal-tools.org/doc/510ac6/

not used

辯護側文書　第二〇六號　E　八二

日本ソ聯に對し積極的待　方針を採る

一九四一（昭和十六）年六月二十六日

六月二十四日ソ聯大使が獨ソ戰に關する日本の態度に付外務大臣に尋ねたところ日本の方針は未だ正式に決定してゐない旨の答辯を得たといふことを我々は知つてゐる。

松岡は、此の方針は戰爭勃發に對する責任如何の決定により大きな影響を受けるであらうと語り且つ日本の根本方針は樞軸に基礎を置いてゐると附言した。從つて今や日本は、日ソ關係を此の根本方針に一致せしめ得べきや否やを決しなければならぬ

日本が樞軸に加盟した時は獨ソ間に緊密な友好關係が續くであらうといふ假定の上に立つてゐたこと、並びに此の基本的親樞軸方針は獨ソ戰の勃發に依り無效に歸したことは明らかである。少くとも現實的には、我々は注視してゐよう

Dep. dec. No. 206 E (2)

前米國大使グルーの日記抜萃　第三九六頁

Defense Document 206-E (87)

VICHY YIELDS THE INDO-CHINA BASES TO JAPAN

July 25, 1941

We now learn that the official spokesman in Vichy announced on the 24th that a request had been presented by Japan to occupy bases at strategic points in Indo-China; he said that negotiations were going on both at Vichy and Hanoi and that there had been no ultimatum from Japan nor any German pressure. He added that arrangements would be made within the scope of the Franco-Japanese agreement of August 30, 1940, and that no inconvenience in temporarily extending the military agreement with Japan was seen so long as there was to be no change in French sovereignty over Indo-China and so long as no territorial demands were made by Japan.

When a correspondent asked the Vichy spokesman whether such a decision would not be inconsistent with the announced policy of France to defend her empire against all powers, he replied that the French Government had been obliged to come to this decision as the result of events in Syria. Replying to a question as to whether the assistance of the United States in preserving the status quo in Indo-China had been requested by France, the spokesman was evidently primed for the question because he said at once that France had not bothered to make any further request to the United States at this time since no satisfaction had been received when American assistance in Indo-China had been asked by France in 1940. In this case the spokesman did not take refuge in his usual procedure of saying that he must consult his superiors when some delicate point is brought up.

Excerpt from Diary of Former U. S. Ambassador
Grew entitled "Ten Years in Japan."
Pages 405 and 406

PURL: http://www.legal-tools.org/doc/510ac6/

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Def, Doc 206E87

辯護團書證二〇六E（八七）

ヴイシー政府印度支那の基地を日本に與ふ

昭和十六年七月二十五日

昨二十四日ヴイシーに於て政府スポークスマンは日本が印度支那に於る軍事據點を占領したいとの要求を出したことを知つた。右スポークスマンは又交渉はヴイシー及河内兩地に於て進められて居り又日本から最後通牒も來なければ獨逸の壓迫も未だないと語つて居る。更に協定は昭和十五年八月三十日の佛日協約の範圍内に於て取極めらるべく又佛蘭西の印度支那に對する宗主權に變化を及ぼすが如きものに非る限り且又日本が領土上の要求を爲さざる限り日本との軍事協定を一時擴大したところで支障はあるまいとも附言して居る。

そんな風に決めては列强に對し自國防衛を公言した佛蘭西の政策と一貫しないではないかとのヴイシースポークスマンに對する一通信員の質問に對してスポークスマンは佛蘭西政府はシリア事件の結果に鑑み此の決定に立到らざるを得なかつたのであると答へて居る。佛蘭西は印度支那の

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Defense Document 206-E (91) Not used

A FLICKER OF HOPE FOR JAPANESE-AMERICAN PEACE

July 27, 1941

This Sunday morning there came an exceedingly important telegram from the Acting Secretary reporting an equally important proposal which the President had made to Admiral Nomura with a view to settling the whole situation in the Far East and avoiding the rapid deterioration of Japanese-American relations as the direct result of Japan's aggressive policies and measures in this part of the world. I shall not at present record the details of this proposal in view of their ultraconfidential nature, but they offer to Japan a reasonable way out of her own alleged difficulties and the alleged encirclement measures of the A B C D powers which she maintains are threatening her own security.

On reading that telegram I thanked my stars that I had remained in Tokyo and had not gone to Karuizawa because it seemed to me of the utmost importance that I should immediately not only make sure that Admiral Toyoda had clearly understood the full purport of the proposal but that I should also exert every ounce of my own influence to secure its acceptance. I said once before in the diary that I had not gone home this summer because a moment might come when such influence could be exerted and this seemed to me to be precisely the sort of juncture which I then had in mind. I therefore immediately telephoned to the Foreign Minister at his private house and asked for an appointment although it was a Sunday morning. I saw him at 11:30 at his official residence and in a long talk made on my own initiative and responsibility the strongest appeal of which I was capable and perhaps the strongest representations that I have ever made.

I told the Department what I had done and said that although I had exceeded all authority I felt after careful thought that three considerations justified my step: (1) the prime importance that Admiral Toyoda should completely and accurately understand the President's proposal, (2) the importance.

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of the time element, which made it impossible for me to ask for authority fro Washington in advance, and (3) my belief that the President would wish nothin to be left undone to ensure that maximum consideration should be given to his proposal and that the Japanese Government should fully recognize its far-reaching and enlightened import because upon its rejection or acceptance might depend the future peace of the Pacific. To my astonishment Admiral Toyoda said that he had not received the President's proposal, communicated to Admiral Nomura three days ago, on the 24th, and Toyoda confirmed this after leaving me for some five minutes obviously to telephone to the Foreign Office. Two days later we learned from Terasaki, Director of the American Bureau of the Foreign Office, that on the day of his conversation with the President Admiral Nomura had sent only a very brief telegram to Tokyo and that after my talk with Toyoda he had immediately instructed Nomura to submit a comprehensive report without delay.

Two days later I received a very pleasant message from Sumner Welles stating that he regarded my action at this time as of the greatest assistance and value and that both the President and he himself had approved of what I had done. I can't say that I am over-optimistic as to favorable results, but I told Admiral Toyoda in our talk that he was now presented with an opportunity to take a step of the highest statesmanship and with a way of solving the appalling situation which faced him at the outset of his ministry; I said in fact that he now had an opportunity to go down in history as one of Japan's greatest statesmen. Whether Japan accepts or not, the President's step places the United States in an unassailable position from the point of view of history and someday history will record this step in full. If the Japanese fail to avail themselves of it, their own position in history will not be enviable. On the 30th I sent another telegram to the Department making some further suggestions on the foregoing subject.

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In my recent conversations with Admiral Toyoda it seems to me significant that the only thing which really stirred him up were the allusions which I made to the belief existing in our country that German pressure is responsible for Japan's present policies, and in each case the Minister emphatically denied that Germany now exerts any influence in Japan whatsoever. One of my colleagues, incidentally, had previously told me that Matsuoka himself had confirmed to him the story that he had telegraphed to von Ribbentrop to ask if there were any basis for the reports that Germany was about to attack Soviet Russia, that he had received from von Ribbentrop a categorical denial, and that forty-eight hours later Germany's invasion of Soviet Russia had occurred. Once again it is abundantly clear that the Japanese are getting fed up with the Germans, who have obviously, as usual, overplayed their hand.

Excerpt from Diary of Former U. S. Ambassador
Grew entitled "Ten Years in Japan."
Pages 411-413

PURL: http://www.legal-tools.org/doc/510ac6/

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Dof Doo No 2068(4x)

日米和平への一決の希望

一九四一年七月廿九日

本日晨朝、國務長官代理より、大統領が野村提案に、極東の全事態を解決しい日本の極東に於ける侵略的政策並に手段の直接の結果としての日米關係の急速な悪化を回避せんとしてなした重要な提案を殺ぐる爲めて置要な電報が到着した。私は此の提案の極秘性に鑑みて、今その詳細を記錄することはしないが、これは日本に對し、日本自身の安全を脅かすものと主張するA3OD諸國の包圍陣から脫れる合理的な方途を提案したものである。

この電報を一讀して私は直ぐに赴かず東京に殘つてゐた事を運命に感謝した。何となれば豊田提督がこの提案の全的な主旨を明瞭に理解したかを直ちに傳めるのみならず、その提案が確實に受諾されるやう私の全力を傾ける事が最も重要であると思はれたからである。私は嚮て私の日記に、このやうに力をつくすべき時が來るやも知れぬから今夏は歸國しなかつたと記したが、その時に心の中に考へてゐたその重大時機が今正にやつて來

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たやうに思はれた。そこで私は即時外相の私邸に電話をかけて、日曜の朝ではあつたけれど、會見を申し込んだのである。私は彼に官邸で十一時半に會つた。そして長時間の會談中に、私の發意と責任に於て私のなし得る最も強い調子で彼に訴へ、又恐らく今迄の中の最も強力な提議をしたのであつた。

私は私のなした事を閣僚に報告し、且つ私の權限を越える事をしたけれども熱意の後次の三つの點に於て私のとつた道が正しいと感ぜられる旨述べた。

(一)豐田提督が完全に且つ正確に大統領の提案を理解する事が第一義的に重要である事、(二)ワシントンに前以てさうする權限を要求する事が不可能な程時間が大切だつた事、(三)大統領は、彼の提案に最大限の考慮が拂はれるため、又太平洋の將來の平和はこの提案が拒否されるか受諾されるかにかかつてゐるが故に日本政府をして充分その重大な又先見的な意義を認識させるためにはあらゆる手段を講ずることを欲すると私が信じた事。驚いた事に、豐田提督は三日前、即ち二十四日野村提督に傳達された大統領の提

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案を受けとつてゐないと言つた。そして五六分の間明らかに外務省に電話する爲に私を待たせてをいた後に、これを確認したのであつた。二日の後外務省アメリカ局長寺崎から野村大使との會見當日東京に宛く簡單な電報を受つたのみである事、及び私との會見後豊田が直ちに野村へ即時綜合的な報告を發電したとの事を知つた。

二日後、私はサムナー・ウエルズから、此の場合の私の行動が最も大きな助けとなり價値あるものと認めたこと、大統領が彼自身が私のなした事に贊成である旨を述べた喜ばしい電報を受けとつた。私は良好な結果が得られるものと大いに樂觀してゐるとはいひ得ないが、しかし私は會談中豊田外務大臣に、今や彼は最大の政治的手腕を發揮する機會と、大臣就任早々彼が直面した恐るべき事態を解決する手段とに惠まれてゐるのだと告げた。

實際私は彼が日本最大の政治家として歴史に記錄されるべき機會を與へられてゐると言つたのである。日本が受諾しようとしなからうと、大統領のとつた措置は合衆國を歴史上非難され得ない地位に置いたものであり、いつの日か歴史はこの措置を全面的に記錄するであらう。若しも日本人がこ

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の措置を利用しなかつたなら、彼等の歴史上の立場は望ましくないものとなるだらう。三十日に私は前述の問題についての更に進んだ案を述べた別の電報を國務省に送つた。

豐田提督との最近の諸會談に於て本當に彼を興奮させた唯一のことは、日本の現在の政策がドイツの壓迫によるものだとの信念が米國にあると彼に述べた事であつて、私には意義深い點に思はれたのである。その度毎に大臣はドイツは現在日本に何等の影響をも與へてゐないと言つて私の言を強く否定した。

序でながら、外交團仲間の一人が以前私に話したことがある。それは、松岡がフオン・リツベントロツプにドイツがソ聯を攻撃せんとしてゐるとの情報に根據があるか否かを電報で問ひたゞした事、彼がフオン・リツベントロツプから絶對否定の返事を受けたと言つた事、及びその四十八時間の後にドイツはソ聯に侵入を開始したといふ事を松岡がその人に確言した、といふのである。又しても、日本がドイツの樂籠中のものとなつてゐる事は極めて明らかである。ドイツは例の如く明らかに上手に立廻つたのである。

「在日十年」と題する前米國大使グルーの日記からの抜萃

四一一頁カラ四一三頁迄

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Defense Document 206-E (97) Withdrawn

JAPAN'S PEACE OFFER TO CHINA

September 22, 1941

I called on Foreign Minister Toyoda this afternoon at his request. After reading from a document in Japanese which was then translated into English, he made substantially the following oral statement:

1. The suggestion that the President meet with Prince Konoye was contained by implication in the message received by the President from the Prime Minister.

2. The Japanese Government had intended that the proposed meeting should discuss the questions at issue between the two countries requiring agreement, and that subsequently through normal diplomatic channels the details for executing the understanding reached at the meeting should be worked out. The Government of the United States, however, had adopted the view that the problems which had emerged from the preliminary and informal conversations should be agreed on in advance of the meeting.

3. The Foreign Minister had explained that in his statement made to me on September 4 he had replied to all of the questions raised by the Government of the United States and that his statement of September 4 had widened rather than reduced the field of the negotiations which the Japanese Government is willing to cover.

4. The Foreign Minister then gave me the basic terms of peace which Japan is prepared to offer China, to be communicated to the Secretary of State. The Minister emphasized that these terms should not be regarded as a new proposal but as related and supplementary to his statement to me of September 4 when he confirmed that the Japanese Government still desired to seek the good offices of the President in bringing the conflict with China to an end.

5. Admiral Toyoda told me that great internal changes had occurred during the past month as a result of the publicity that the suggested meeting between the President and the Japanese Prime Minister had received abroad and as a result of the published reports and references on radio broadcasts

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abroad in regard to the conversations in progress between Japan and the United States. Thanks to the efforts of the Japanese Government, public opinion in Japan and the Japanese press in the main are not aware of the developments referred to above, but the publicity abroad is known to certain groups in Japan and has increased the activities of those elements in Japan who are opposed to an understanding with the United States.

6. The Government of Japan will attempt to guard against any incidents or special occurrences in connection with the anniversary on September 27 of Japan's adherence to the Axis and will allow this anniversary to be celebrated by private organizations. However, should a considerable lapse of time occur following the anniversary without any sign as to the attitude of the United States, the groups referred to above who are against an understanding with the United States and who are informed of the Japanese-American conversations might find it possible to inflame public opinion in Japan and thus make it very difficult for these talks to continue.

7. Admiral Toyoda pointed out that the Japanese Government is still awaiting the American answer to the various points set forth by him in his statement of September 4. He expressed his belief that in that statement the Japanese Government had with complete frankness revealed to the American Government its intentions and desires.

In reply to the Minister's question whether any further information had been received from Washington, I conveyed to him the substance of the Department's cable of September 20, which had been decoded immediately before my call on the Minister. Admiral Toyoda was especially struck by the Secretary's remark to the Japanese Ambassador that the Government of the United States fully shared the desire of the Japanese Government to hasten matters. The Minister expressed the thought that although the desire of the United States Government to confer with other governments in regard to the suggested agreement was clearly recognized, the element of delay which would be involved in such consultations might have a most unfortunate effect.

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With reference to the lack of concern felt by the Japanese Ambassador in Washington regarding the anniversary on September 27 of Japan's adherence to the Axis, Admiral Toyoda expressed the view that Admiral Nomura was not in close enough touch with the situation in Japan to perceive the dangers. I told the Minister that I was surprised that he had not conveyed to the Japanese Ambassador in Washington his own concern on this point.

With reference to the terms of peace between Japan and China, I told the Minister that I wished to avoid any comment until the Government of the United States had had a chance to examine these terms but that for purposes of clarification I would like to know the exact meaning of the words "existing agreements and usages" mentioned in point three. The Minister in reply stated that these words must be understood as written; however, he referred in this connection to the presence in China of American marines merely by way of an illustration of the phrase in question.

I promised the Minister that I would immediately communicate to the Secretary his statement given above; likewise the proposed terms of peace between Japan and China which he had handed to me. But I added that in view of the communications between the Governments of Japan and the United States I could not be optimistic that a decision on these important matters could be reached before the 27th of September.

Text of basic Japanese terms of peace with China, handed to the American Ambassador by the Japanese Minister for Foreign Affairs on September 22, 1941

1. Neighborly friendship.

2. Respect for sovereignty and territorial integrity.

3. Co-operative defense between Japan and China.

Co-operation between Japan and China for the purposes of preventing Communistic and other subversive activities which may constitute a menace to the security of both countries and of maintaining the public order in China.

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Stationing of Japanese troops and naval forces in certain areas in the Chinese territory for a necessary period for the purposes referred to above and in accordance with the existing agreements and usages.

4. Withdrawal of Japanese armed forces.

The Japanese armed forces which have been dispatched to China for carrying out the China affair will be withdrawn from China upon the settlement of the said affair, excepting those troops which come under point 3.

5. Economic co-operation.

(a) There shall be economic co-operation between Japan and China, having the development and utilization of essential materials for national defense in China as its principal objective.

(b) The preceding paragraph does not mean to restrict any economic activities by third powers in China so long as they are pursued on an equitable basis.

6. Fusion of the Chiang Kai-shek regime and the Wang Ching-wei Government.

7. No annexation.

8. No indemnities.

9. Recognition of Manchukuo.

Excerpt from Diary of Former U. S. Ambassador Grew entitled "Ten Years in Japan."
Pages 432-435

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not used

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辯護側文書第二〇六―(一)―一九七、

一九四一年九月廿二日

會は豊田外務大臣の申出に應じ本日午後同氏を訪問した。彼は日本語の文書を讀みとげ次いでそれを英語に翻譯した上で概ね左の如き口頭聲明を行つた。

一、大統領と近衛公との面會に關する提案は大統領が首相から受取つた書信中に略に示された。

二、日本政府の意圖は、右會見に於て兩國間の係爭問題で意見の一致を要する事柄に付討議し、午後正常な外交手段を通じて右會見で諒解された事項を實行する爲細目の計畫を立てる、といふことにあつた。然し米國政府は、豫備的且私的會談より生ずる問題に付ては右會見に先立つて意見の一致を見なければならぬと云ふ意見であつた。

三、外務大臣は、九月四日の余に對する聲明書に於て米國政府より提起された問題の總てに付て回答をしてあること、九月四日の彼の聲明書は日本政府が進んで商議せんとする交渉の範圍を擴げこそすれ狹めるものではなか

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つたさいふ事を說明した。

四次いで外務大臣は、日本が中國に提案せんとする基本的和平條件を國務長官に傳達する樣余に示した。同大臣はこれ等の條件は新らしい提案と見るべきではなく九月四日の彼の聲明書に關聯し且補足的に述べられたものであることを强調した。尙其の聲明書に於て、彼は日本政府が今尙中國との戰ひを終結せしめる爲大統領の斡旋方を望んでゐることを確信したのである。

玉豐田提督は余に對し大統領と日本首相との會見說が廣く知れ渡つたこと、並びに日米兩國間に進行中の會談に關する發表及海外筋に依る論及の結果、過去一ケ月の間に國內的に大きな變化が起つた旨を告げた。概ね右に述べた本件の發展狀況を知つてゐるし又その爲米國とされてゐることは日本の一一部の人達〻には判つてゐない。併し國外に於て周知さの和解に反對する日本の一部の連中の活動は增大して來た。

六日本政府は九月廿七日の同盟軍守の記念祭に開催し、如何なる事件、或は突發な變事の惹起せん樣警戒せんとして居り、私的團体が此の記念祭を祝することを許すであらう。然し乍ら記念祭後、米國の態度

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に如何なる徴候も認められずに荏苒相當の日を過ごすならば、米國との諒解成立に反對して居り、又日米會談の報道を受けてゐる上述の諸團体は日本國内の輿論をたきつけることを可能と見、斯くして會談經續を困難ならしむるかも知れない。

七豐田提督は九月四日の彼の聲明書に於て自己の提示した諸項目に對する米國の回答を日本政府は依然待ちもうけてゐることを指摘した。日本政府としてはあの聲明書で益く腹藏なくその意圖竝に希望を米國政府に吐露したものであると云ふ信念を彼は披瀝した。

ワシントンから其の後何か報道を入手したかどうか、と云ふ大臣の質問に答へて余は大臣訪問の直前に解讀した九月二十日附國務省當文の内容を傳達した。豐田提督は「米國政府も日本政府と全く御同樣交涉の急速進展を希望するものである。」と日本大使に述べた國務卿所見に特に區然とし てゐた。大臣は「示唆された協定に關して他國政府と談合したと米國政府の希望は明らかに認められるが、その樣な相談に必然的に含まれる遲滯と云ふ要素は非常に不幸な效果となつて現はれはしまいか」と云ふ彼の憂慮を披瀝した。

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ワシントン駐在日本大使が、日本の枢軸堅持九月廿七日記念日に關し、關心を抱いてゐない點に付ては豊田海軍大將は所信を披瀝して、野村海軍大將は日本の國情と緊密な關係を保つてゐないので危險を感知してゐない旨述べた。余は同大臣がこの點に關する大臣自身の關心をワシントン駐在日本大使に傳へてゐないのを驚く旨同大臣に告げた。

日本中國間の和平條件に付ては、合衆國政府がこれら諸條件を檢討する機會を得るまでは如何なる批評も差控へ度く又要點第三に記してある「現在の諸協定並びに慣例」さいふ言葉の正確な意味を知りこれを明らかにし余は同大臣に告げた。同大臣はこれらの言葉は文字通りに解すべきものと答へたが、これに關聯して、問題となつてゐる句の單なる一例證として米國海兵隊の中國駐在に言及した分に同大臣の上記の談話並に同大臣が余に手交した日本中國間の和平條件提案を直ちに國務長官に傳達すべき旨約した。然し余は更に日本及び合衆國兩政府間の聯絡狀況に鑑み、これら重要案件の決定が九月廿七日以前に到達し得るとは樂觀出來ぬ旨述べた。

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一九四一年九月二十二日日本外務大臣が米國大使に手交せる日本の對中國和平基本條件の正文

一、近隣友好

二、主權並に領土保全の尊重

三、日華協同防衛

兩國の安全を脅かす虞れある共產主義的及び其他擾亂運動の防止及び中國の秩序維持を目的とする日本中國間の協同

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辯護側文書 二〇六―E (一九七)

現行の協定慣例に従ひ上記目的の爲、必要期間、支那領土の一定地域に日本の陸海軍部隊を駐屯させる事

四、日本軍隊の撤退

支那事變遂行の爲支那に派遣された日本軍は該事變解決の曉は支那より撤兵する事。但し第三項に該當する軍隊は除く。

五、經濟上の提携

(イ)日支間の經濟提携をなし、その主たる目的として、支那の國防上必要なる物資の開發利用をはかること

(ロ)前項は支那に於ける第三國による如何なる經濟活動も、それ等が公平な基本原則に基いて遂行される限り、何等拘束を受けることを意味するものでない事

六、蔣介石政權及び汪兆銘政府の合同

七、領土合併なし

八、賠償なし

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九ヵ洲國承認

「在日十年」と題する前アメリカ大使グルーの日記より

の抄録

（四三二頁より四三五頁迄）

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GERMAN REACTIONS TO THE TOJO CABINET

October 29, 1941

The following items gathered by members of another country's mission to Tokyo are believed to be a fairly accurate account of the reactions of the German community here to the present situation.

The Germans are not enthusiastic about the new cabinet, which disappointed the hopes of a definitely interventionist Government, which they had formed on the resignation of Prince Konoye. Their feelings were cooled still further by the arrest of two Germans immediately the new cabinet had taken office.

In the event of war between the U. S. and Germany, the local Germans from the Ambassador down are uncertain of Japan's reactions. They regard the Japanese as untrustworthy opportunists.

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Excerpt from Diary of Former U. S. Ambassador
Grew entitled "Ten Years in Japan."
Pages 463 and 464

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not used

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猶逸人の反動

東條内閣に對する猶逸人の反動

一九四一年（昭和十六年）十月二十九日

他國の使節達に依つて寄せ集められた以下の記述は現狀勢に對する當地猶逸人社會の反動をかなり正確に記したものと信ぜられる

猶逸人は新内閣に對し好感を持つてゐないそして之の事は近衛公爵の辭任に際して組織せられた判然とした干渉主義の政府を失望せしめた。

猶逸人の氣持は新内閣組織直後に二名の猶逸人が拘引されたことによつて更に冷却なものとなつた

猶逸大使を始め一般の猶逸人に至るまで米猶開戰となつた場合の日本の反動に對し確信が持てないのである、彼等は日本人を信頼出來ない便乘主義者と思つてゐるのである

グルー米國大使の日記

在日十年よりの抜粋

四六三頁―四六四頁

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not used

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THE AMBASSADOR IN JAPAN REPORTS TO THE SECRETARY OF STATE

(Substance)

(Paraphrase of original text prepared by the Department of State)

Tokyo, November 3, 1941

The Ambassador reports for Secretary Hull and Under Secretary Welles as follows:

He cites a leading article from the Tokyo Nichi Nichi of November 1 (reported in telegram No. 1729 of that date), adding that a banner headline declaring "Empire Approaches Its Greatest Crisis" introduced a dispatch from New York with a summary of a statement the Japanese Embassy reportedly gave to The New York Times regarding the need of ending the United States-Japanese economic war. Both the article and the Nichi Nichi editorial are believed to be close reflections of Japanese sentiments at present.

The Ambassador refers to his various telegraphic reports during several months past analyzing the factors affecting policy in Japan and says he has nothing to add thereto nor any substantial revision to make thereof. In his opinion, a conclusive estimate may be had of Japan's position through the application to the existing situation and the immediate future of the following points:

(a) It is not possible for Japan to dissociate either Japan or the conflict with China from the war in Europe and its fluctuations.

(b) In Japan political thought ranges from medieval to liberal ideas and public opinion is thus a variable quantity. The impact of events and conditions beyond Japan may determine at any given time which school of thought shall predominate. (In the democracies, on the other hand, owing to a homogeneous body of principles which influence and direct foreign policy and because methods instead of principles are more likely to cause differences of opinion, public opinion is formed differently.) For example, in Japan the pro-Axis elements gained power following last year's German victories in

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Western Europe; then Japanese doubt of ultimate German victory was created by Germany's failure to invade the British Isles, this factor helping to reinforce the moderate elements; and finally Germany's attack on the Soviet Union upset the expectation of continued Russo-German peace and made the Japanese realize that those who took Japan into the Tripartite Alliance had misled Japan.

(c) An attempt to correct the error of 1940 may be found in the efforts to adjust Japanese relations with the United States and thereby to lead the way to conclusion of peace with China, made by Prince Konoye and promised by the Tojo cabinet. If this attempt fails, and if success continues to favor German arms, a final, closer Axis alignment may be expected.

(d) The Embassy in Japan has never been convinced by the theory that Japan's collapse as a militaristic power would shortly result from the depletion and the eventual exhaustion of Japan's financial and economic resources, as propounded by many leading American economists. Such forecasts were unconsciously based upon the assumption that a dominant consideration would be Japan's retention of the capitalistic system. The outcome they predicted has not transpired, although it is true that the greater part of Japan's commerce has been lost, Japanese industrial production has been drastically curtailed, and Japan's national resources have been depleted. Instead, there has been a drastic prosecution of the process to integrate Japan's national economy, lacking which there might well have occurred the predicted collapse of Japan. What has happened to date therefore does not support the view that continuation of trade embargoes and imposition of a blockade (proposed by some) can best avert war in the Far East.

The Ambassador mentions his telegram No. 927, September 12, 1940 (which reported the "golden opportunity" seen by Japanese Army circles for expansion as a consequence of German triumphs in Europe). He sent this telegram under circumstances and at a time when it appeared unwise and futile for the United States to adopt conciliatory measures. The strong policy recommended in the telegram was subsequently adopted by the United States.

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This policy, together with the impact of world political events upon Japan, brought the Japanese Government to the point of seeking conciliation with the United States. If these efforts fail, the Ambassador foresees a probable swing of the pendulum in Japan once more back to the former Japanese position or even farther. This would lead to what he has described as an all-out, do-or-die attempt, actually risking national hara-kiri to make Japan impervious to economic embargoes abroad rather than to yield to foreign pressure. It is realized by observers who feel Japanese national temper and psychology from day to day that, beyond peradventure, this contingency not only is possible but is probable.

If the fiber and temper of the Japanese people are kept in mind, the view that war probably would be averted, though there might be some risk of war, by progressively imposing drastic economic measures is an uncertain and dangerous hypothesis upon which to base considered United States policy and measures. War would not be averted by such a course if it is taken, in the opinion of the Embassy. However, each view is only opinion, and, accordingly, to postulate the correctness of either one and to erect a definitive policy thereon would, in the belief of the Embassy, be contrary to American national interests. It would mean putting the cart before the horse. The primary point to be decided apparently involves the question whether war with Japan is justified by American national objectives, policies, and needs in the case of failure of the first line of national defense, namely, diplomacy, since it would be possible only on the basis of such a decision for the Roosevelt administration to follow a course which would be divested as much as possible of elements of uncertainty, speculation, and opinion. The Ambassador does not doubt that such a decision, irrevocable as it might well prove to be, already has been debated fully and adopted, because the sands are running fast.

The Ambassador emphasizes that, in the above discussion of this grave, momentous subject, he is out of touch with the intentions and thoughts of the administration therein, and he does not at all mean to imply

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that Washington is pursuing an undeliberated policy. Nor does he intend to advocate for a single moment any "appeasement" of Japan by the United States or recession in the slightest degree by the United States Government from the fundamental principles laid down as a basis for the conduct and adjustment of international relations, American relations with Japan included. There should be no compromise with principles, though methods may be flexible. The Ambassador's purpose is only to ensure against the United States becoming involved in war with Japan because of any possible misconception of Japan's capacity to rush headlong into a suicidal struggle with the United States. While national sanity dictates against such action, Japanese sanity cannot be measured by American standards of logic.

The Ambassador sees no need for much anxiety respecting the bellicose tone and substance at present of the Japanese press (which in the past several years has attacked the United States intensely in recurrent waves), but he points out the shortsightedness of underestimating Japan's obvious preparations to implement an alternative program in the event the peace program fails. He adds that similarly it would be shortsighted for American policy to be based upon the belief that Japanese preparations are no more than saber rattling, merely intended to give moral support to the high pressure diplomacy of Japan. Action by Japan which might render unavoidable an armed conflict with the United States may come with dangerous and dramatic suddenness.

Excerpt from Diary of Former U. S. Ambassador
Grew entitled "Ten Years in Japan."
Pages 467-470

PURL: http://www.legal-tools.org/doc/510ac6/

Not used

Def. Doc. ✠206-E(114)

RECEIVED
AUG 6 1947

機密國書第二〇六ノ一（一一四）號

國務長官ヘノ駐日大使報告

（大要）

（國務省作製原文ノ寫送）

東京 一九四一年十一月三日

ハル國務長官並ビニウェルス國務次官ニ對スル大使ノ報告ハ左ノ通リデアル。

彼ハ十一月一日付東京日日新聞ノ社說ヲ引用シ（同日付第一七二九號電報ニ掲載報告サル）更ニ是ニ附ケ加ヘ〝帝國今ヤ最大危機ニ直面セント スル〟ト宣明セル大見出シノモトニ紐育發電報ヲ掲載シ日米經濟戰ヲ終結セシムル必要ニ就キ日本大使館ガ紐育タイムス紙ニ對シ發表シタト傳ヘラレル聲明書ノ要略ヲ傳ヘタ。右記事及ビ前述ノ日々新聞ノ社說モ何レモ現在ノ日本人ノ感情ヲ細カシ反映シタモノト考ヘラレル。大使ハ日本ノ政策ヲ左右スル諸因子ノ分析解明ニ關スル其ノ過去數ケ月間ノ電信報告ニ言及シ是等ニ就イテハ最早何ラ附ケ加ヘルコトモナク、亦失ニ就イ

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テノ實數的改定ノ要モナイト云ッテキル。彼ノ意見ニヨレバ現在及近キ將來ノ情勢ニ就イテ以下ノ諸點ヲ使用シ併セテ結論的ナ判斷ヲ下シ得ルトイフノデアル。

(イ) 日本ニトッテハ日本自身乃至ハ日支事變又歐洲戰及ビソノ推移ヨリ切リ離シテ考ヘルコトハ出來ナイ。

(ロ) 日本ニ於ケル政治思想構成範圍ハ中世紀的思想ヨリ自由主義的思想ニ至ル迄ヲ包含スルモノデアリ其ノ結果輿論ハ可變多岐デアル。日本國外ニ於ケル諸事件乃至諸條件ノ醸ラス衝撃ガ主導性ヲ有スル思想傾向ヲ如何ナル時機ニ於テモ決定シ得ルノデアル。(他方、民主主義諸國家ニ在ッテハ外交政策ヲ左右シ且指導スル諸原理ノ同質一体ナルニ基ヅキ且亦原理ヨリハムシロ其ノ方法論ガ故ニ異ッタ輿論ガ形成サレルノデアル。)

例ヲ擧ゲレバ日本ニ在ッテハ去年ノ西歐ニ於ケル獨側ノ勝利ニ伴ヒ、親枢軸派ガ優勢トナッタノデアル。其後、獨逸ノ英本土侵入失敗ニヨリ獨逸ノ究極的勝利ニ對シ日本側ハ疑ヒヲ懐クニ至リ斯カル要素ガ穩健派ノ勢力ヲ助長スルコトトナッタ。而シテ最後ニ獨逸ノ對ソ侵攻ハ獨ソ間ノ和平維持ノ期待ヲ全ク裏切リ日本人ハ三國同盟締結

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派ヲ目シテ指導ヲ誤レルモノデアルト悟ルニ至ッタノデアル。

(ハ) 一九四〇年ニ犯セル誤リヲ矯正セントノ試ミハ日米關係ヲ調整シ以テ支那トノ和平殖立ヘ導カントスル近衛公ノ努力、且東條内閣ニヨリ約束サレタ斯カル努力ノ中ニ見出サレル。若シ斯カル試ミニシテ失敗ニ終リ引續キ獨逸ノ武力ガ成功ヲ收メルコトガアレバ決定的ニシテヨリ緊密ナル樞軸線ノ展開ガ豫想サレ得ル。

(ニ) 軍國主義勢力トシテノ日本ノ崩壊ハ近キ將來ニ於テ日本ノ財政、經濟資源ノ消耗及ビ究局的混亂ノ結果招來サレルトスル多數米國經濟學者提唱ノ見解ニ付イテハ既日大使館ハ今以テ決シテ首肯シ得ナイモノガアル。斯カル議論ハ無意識的ニ日本ガ資本主義制度ヲ保持スルナラバトイフコトヲ意ノ最モ有力ナ理由ノ一ト成程日本ハ其ノ過商ノ大部分ヲ失ヒ其ノ產業施設ノ大部分ヲ喪ヒ國家資源ヲ消耗ハシタガ未ダニ彼ラノソレ所ガ日本ハ其ノ國家經濟統合措置ヲ徹底的ニ實施中デアリ右措置ヲ講ゼザレバ或ハ日本モ發見サレタル如ク崩壊シタカモ知レナイノデアル斯クシテ見レバ今迄ノ所起リシ事實ハ貿易禁止措置ノ維持並ビニ封鎖ノ實施（少數提案者アリ）ガ極東ニ於ケル戦爭再發ノ最上策ナリトスル見

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解ヲ證據立テルモノデハナイ。

大使ハ一九四〇年九月十二日付第八二七號電報ニ言及シテキル。（本電ハ歐洲ニ於ケル獨逸ノ勝利ノ結果トシテ日本軍部ノ所謂擡頭政策〝絶好ノ機會〟ニ就キ報ゼルモノデアル。）本電ハ和解的手段ノ採用ガ合衆國ニトリ不得策且無益ト思ハレタヤウナ時期ニ於イテ且其ノ樣ナ狀勢ノモトニ於テ發セラレタモノデアル。本電ニ勸告セル如キ强力ナル政策ハ後ニ合衆國ニヨリ採用サレタモノデアル。本政策並ビニ世界ノ政治的諸事件ノ日本ニ與ヘタル衝撃トニヨリ日本政府ハ合衆國ニ對シ解決ヲ求メントスルニ至ツタノデアル。右努力ガ水泡ニ歸スルコトガアレバ日本ハ再ビ以前ノ立場ニ立戻ルガ如キハ更ニ過激ナル立場ヘ立戻ル趨勢ニ在リト大使ハ認見シテキル。彼ノ言葉ヲ借リテ云ヘバ此ノ結果日本ハ全力ヲ擧ゲテ生キルカ死ヌカノ手ヲ打ツニ至ルベク外國ノ壓力ニ屈スルヨリハムシロ現實ニ其ノ國民傳來ノ〝腹切リ〟精シテ迄モ外部ノ經濟的禁壓措置ヲ無視スル態度ニ出ルコトヲ考ヘラレル。斯カル危險ノ偶發性ハ單ニ可能トイフニ止ラズ殆ヒナクアリ得ベキコトデアルトイフノガ日本國民ノ氣質及ビ心理ヲ觀察スルモノノ認メル所トナツテキル。

若シ日本國民ノ素質、氣性ヲ念頭ニオケバ漸進的ニ經濟的措置ヲ強化スルコトニヨリ多少ノ戰爭ノ危險ヲ豫スルコトハアッテモ恐ラクハ夫ヲ回避シ得ルト爲ス見解ハイカニモ不確定且危險ニシテ斯カル假定ヲ基礎トシテ米國ノ政策並ビニ措置ヲ考究スルコトハ出來ナイ。大使館トシテハ斯カル方針ガ採用サレタトシテモ決シテ戰爭ヲ回避シ得ナイト考ヘル。然シナガラ各人ノ見解モ結局ハ意見ニ過ギナイノデアル。從ッテ一方ノ意見ヲ正ト假定シ其ノ上ニ立ッテ決定的ナル政策ヲ打ヂ建テルコトハ米國ノ國家的利益ニ反スルモノデアルト大使館ニ於テハ信ズル。是ハ正ニ本末顚倒ノ意味スルモノデアル。先ヅ明ラカナ所主要眼目トシテハ國防ノ第一陣タル外交ガ失敗ニ歸シタ場合アメリカノ國家目的、政策及ビ其ノ欲求スル所ニ儘ミテ尙モ對日戰ヲ持セズトナシ得ルカドウカト云フ問題ノ決定ヲ伴フ。斯カル決定ノ基礎ノ上ニ立ッテ始メテ、ルーズベルト政府トシテモ最大限ニ不明確ナ措辭ヲ以テ所謂ルーズベルト政策ヲ實施シ得ルノデアル。本大使トシテハ時間的余裕ノ許サレヌ此ノ緊ノコトヲ最早繰返不可能視サレルニシテモ斯カル決定ガ十分被討ノ上採用サレタモノデアルコトヲ疑ハナイ。

此ノ提案ハ重大ナル問題ヲ含ゼルニ當リ大使ハ夫ニ關スル政府ノ意嚮ヲ考ヘニハ餘レテ居ラズ且暗ニ華府ニ於イテハ極卒ニ政策ヲ實施シテキルト云ハントスルモノデハ決シテ無イ旨強調シテキル。サレバトテ彼ハ一則タリトモ米國ノ對日"融和"ノ指導及ビ國際關係ノ基礎トシテ決定セル根本原理ニ於テ僅デモ後歩センコトヲ主張セントスルモノデモナイ。假令方法ニ柔軟性ヲ持クセヨウト原理ニ於イテハ絶對ニ妥協ハ許サルベキデナイ。大使ハ意圖スル所ハ日本ガ對米自殺的戰爭ニ向ツテ驀進ハルカノアルコトヲ恐ハ表明シテ米國ガ對日戰爭ノ渦中ニ捲キ込マレルコトノナイヤウニ合ノ拂ヒントスルニ在ル。一方國民ノ理性ハ斯カル行爲ニ對シテ反對ヲ命ジテモ日本側ノ理性ハアメリカ流ノ考ヘ方ヲ標準トシテハ測レナイモノガアル。

日本ノ新聞ノ現在ノ好戰的ナ論調並ビニ內容ニ對シテハ大使ハ夫程心配ノ要ヲ認メナイノデアルガ（日本各紙トモ過去數年間ト云フモノハ寄セテハ打チ返ヘス波ノ如ク執拗ニ合衆國ヲ攻擊シテ來タ。）本和衷決裂ノ瞬ニ於イテ現サレタ計畫ヲ遂行スル爲ノ明ラカナル日本側ノ諸準備ヲ過少評價スルコトガ如何ニ近視的見解ナルカヲ指摘シテキル。彼ハ更ニ

PURL: http://www.legal-tools.org/doc/510ac6/

Def. Doc. #206-E(114)

附加ヘテ米國ノ政策ガ若シモ日本側ノ準備ヲ無ムナ單國主義ノ妄動ニシテ單ニ日ナノ高壓外交ヲ道義的ニ捲駁セントスルニ過ギナイト云フ信念ニ基クナラバ是亦同樣ニ目先ノ效カヌコトデアルト云ッテヰル。米國トノ武力闘爭ヲ必至ナラシメル日本側ノ行動ハ何時デモ危險ヲ伴ヒツツ、劇的突發ノ懼ガアル。

〃 十年間〃

ト題スル前米國大使グルー氏日記

ヨリノ抜萃

四六七ー四七〇頁

PURL: http://www.legal-tools.org/doc/510ac6/

not used

6-B-1

Defense Document 206-E (118)

TOGO AND SHIGEMITSU LISTEN TO REASON

November 7, 1941

At the Soviet Embassy reception today, to celebrate their national holiday (they are the only diplomatic mission which now holds such receptions), I took occasion to make the strongest representations to every Japanese to whom I talked with regard to the Times and Advertiser editorial, mentioned above, listing seven points as a program for American "restitution" to Japan, and to point out what serious harm the editorial had done, especially at the moment of sending Kurusu to the United States to try to bring the current conversations to a successful conclusion. I spoke of the utter stupidity of creating such a hostile atmosphere here and such an unfortunate impression on the American public at a moment when constructive, not destructive, results were desired. I made it clear that it was not my intention to presume to interfere with the Japanese press but only to point out factually the inevitable effects in my country when such editorials, assumed to represent the views of the Japanese Government since the Times and Advertiser is known to be controlled by the Foreign Office, were reprinted in the United States.

Togo, the Foreign Minister, appeared to know nothing about the editorial and was sure that it had not been inspired by the Foreign Office, but he undertook to look into it and a few moments later he called Toshi Go, editor of the paper, over to him and told him what I had said. I also spoke to Toshi Go, who said that he alone was responsible for the editorial and had written it himself as indicating Japan's maximum demands which would undoubtedly be far beyond what the Government would ask for in the conversations. I told him that he could have no conception of the harm that he had done. Somebody else told me that Go had published the editorial as a protest against the secrecy under which the conversations were being held.

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Shigemitsu,* with whom I talked, was thoroughly sympathetic and said that he would do his best to stop this sort of thing, while Matsumoto, head of Domei, promised me that there would be an immediate change in the tone and substance of the Japanese press, and he was as good as his word because the tone did immediately change for the better. I think I succeeded in stirring them all up considerably, so the gathering at the Soviet party was distinctly useful.

The next time I called on Togo I repeated these representations and he replied that while the Foreign Office had exerted no control over the Times and Advertiser up to the present, it was jolly well going to exert such control from now on. The editorial may or may not have been dictated by the Foreign Office, regardless of what Toshi Go said. One informant said that it had been so dictated, but if so, I think it was probably done by some subordinate official and without the knowledge of the Minister, who, I am convinced, knew nothing about it.

Perhaps I may have overemphasized the effect of the editorial on the American public, but my guess is that it made the front pages of the papers at home, as the radio commentators talked a good deal about it.

While on the subject of publicity I find pertinent and very interesting the same situation obtaining when James Gallatin (whose fascinating diary I am reading for the second time) was doing his best to bring England and the United States to peace prior to the Treaty of Ghent. He writes from London under date of April 21, 1814, to William H. Crawford, Secretary of War:

> They [the English people] eagerly wish "the punishment of America." They do not even suspect that we had any just cause for war, and ascribe it solely to a premeditated concert with Bonaparte at a time when we thought him triumphant and their cause desperate. That such opinions should be almost universally entertained here by the great body of the people is not at all astonishing. To produce such an effect, and thereby render the American war popular, the Ministerial powers have had nothing more to do than to transcribe American Federal speeches and newspapers. If Pickering, Quincy, Strong, Hanson, &c. have not brought a majority of the American people to their

* Former Japanese Ambassador to London, who replaced Togo as Foreign Minister in April, 1943.

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side they have at least fully succeeded here, and had no difficulty in convincing all that part of the English community which derives its information from political journals that we had no cause of complaint /in the War of 1812/ and acted only as allies of Bonaparte.

If we substitute for Pickering, Quincy, Strong, Hanson, et cetera, the names of some of our isolationists, the analogy is clear, for it is the speeches of those gentlemen that are splashed across the front pages of the Japanese press, and the Japanese people naturally assume that they represent the great majority of American public sentiment.

The President said today that the Government of the United States is giving consideration to the question of withdrawal of the American marine detachments now maintained ashore in China at Peiping, Tientsin, and Shanghai.

Excerpt from Diary of Former U. S. Ambassador Grew entitled "Ten Years in Japan."
Pages 474-476

PURL: http://www.legal-tools.org/doc/510ac6/

Not read

Def. Doc. #2066

辯護國書類二〇六ー(二八)號

東郷及重光理ニ服ス

一九四一年十一月七日

ソ聯大使館ニ於ケル同國祭日祝賀「レセツプシヨン」開催ノ機ニ當リ
(彼ラハ現在デハ此ノ種レセツプシヨンヲ開催スル唯一ノ外交團デアル)
私ハ談話ヲ交ヘタルアラユル日本人ニ對シテ、七ケ條ヨリ成ルアメリカ
ノ對日譲歩案ナルモノヲ掲ゲタル前述ノ「タイムス&アドバタイザー」
紙社説ニ關シ、最モ嚴重ナル注意ヲナシ、且特ニ現會談ヲ圓滿妥結ニ導
カンガ爲ニ來栖來米國ニ特派セル際ノ爭ト本社説ノ及ボシタル深刻ナル惡
影響ヲ指摘セント試ミタ。私ハ、破壞的ニ非ズシテ實ニ建設的ナル成果
ガ要望サレテヲルコノ時機ニ於テ、當地ニ敵對的零圍氣ヲ醸成シ、且米
國人一般ニ對シテ思ハシカラヌ印象ヲ與ヘルコトハ正ニ愚劣極マル旨述
ベタ。私ハ厚カマシクモ日本ノ新聞ニ干渉ヲ試ミルガ如キ意ハ毛頭無キ
旨明ラカニスルト同時ニ、タゞ「タイムズ&アドバタイザー」紙ガ外務

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省ノ統制下ニアルトサレテキル以上、日本政府ノ見解ヲ代辯スルモノト考ヘラレル。斯カル社説ガ米國ニ於イテ發表サレタ場合ニ、我國ニ必然的ニ齎スベキ影響ニ就キ事實上指摘セントシタマデデアル。

東郷外相ハ其社説ニ就イテハ何ラ關知セザルモノノ様ニ思ハレタガ、右記事ガ外務省ノ指金ニヨルモノニ非ザルコトヲ確信シテキタ。彼ハ夫ヲ調査スルコトヲ約シ、[TN?]ノ後同紙主筆卿[TN?]ト面談シタガ、其際ニ彼ハ其ノ社説ニ付傳ヘタノデアル。私モ亦卿[TN?]ト面談シ、私ノ言葉ヲ全責任ヲ有スル旨並ビニ、同記事ハ彼自身ノ筆ニ成ルモノニシテ、日本ノ最大限度ノ要求ヲ示セルモノナルコト、尤モ是トテ政府ガ日米會談ノ際ニナス要求ヲ遙ニ超エル程度ノモノデアルコトハ疑ヒナイ旨述ベタ。

私ハ彼ノ及ボセル悪影響ノ程ハ到底彼ノ考ヘ及ベナイモノナル旨述ベタ。第三者ノ私ニ告ゲタ所ニヨレバ、卿ハ右會談ノ秘密主義ニ對スル抗議ノ意味デ此ノ社説ヲ公表シタトノ事デアル。

重光×トモ話シタガ、彼ハ全幅的ニ共鳴シ、最善ヲ盡シテ斯カル種ノ

×前駐英大使一九四三年四月東郷外相ノ後任トナル。

PURL: http://www.legal-tools.org/doc/510ac6/

Def. Doc. No. 6528

事ハ防止スベキ旨述ベタ。一方、同盟ノ總裁タル松本ハ日本各紙ノ論調内容ヲ即坐ニ變更スベキ旨約言シタガ、全ク其ノ約束ニ違ハズ、論調ハ直チニ一變シ改善サレタ。私ハ彼ラヲ全テ少カラズ動カスコトニ成功シタト思フ。從ツテソ聯側「レセップション」ニ於ケル會同ハ著シク役立ツタノデアル。

次回ニ東郷ヲ訪問ノ際ニモ私ハ右ニ述ベタヤウナ意嚮ヲ繰リ返ヘシ表明シタ。彼ハ是ニ對シ、現在迄ノ所外務省ハ「タイムズ&アドバタイザー」紙ニ何ラ統制ヲ試ミナカツタガ、是レカラハ斷然加ヘルベキ旨答ヘタ。卿トシノ言ニモ拘ラズ右社説ガ外務省ノ意嚮ヲ受ケタモノデアルカ否カニ關シテハ何レトモ判斷ガツカヌ。

報告ヲ齎セル者ノ中ニモ是ヲ肯定セルモノガ一人アツタガ、假令事實サウニセヨ、是ハ多分部下ガ外相ニ無斷デヤツタコトト思フ。外相ガ右ニ就キ全然關知シナカツタコトヲ私ハ確信シテキル。

或ハ私ハ右社説ノ米國民衆ニ及ボセル影響ヲ強調シ過ギタ嫌ガアルカモ知レヌガ、私ノ想像デハ右社説ハ母國ノ新聞紙ノ第一面ニ大々的ニ報

PURL: http://www.legal-tools.org/doc/510ac6/

Doc. No. 2006-28

セラレタコトト考ヘル。ラヂオノ此評家連中モ隨分ト此ノ問題ヲ取リ上ゲテヰタノヲ見テモ分ルト思フ。

今此ノ公表トイフ問題ニ就イテハ、私ハ嘗テJ・ギャラティン（彼ノ異味津々タル日記ヲ今繰リ返ヘシ讀ンデヰル所ダガ）最善ヲ盡シテ英米間ニ「ゲント」條約以前ニ平和ヲ齎サント努力セル際ト全ク同樣ノ狀況ガ醸成サレテヰルノガ如何ニモ肯綮ニ當ルモノガアツテ興味深イト思フ。彼ハ一八一四年四月廿一日付デ、倫敦ヨリ陸軍長官、ロバクローフオードド宛左ノ如ク書キ送ツテヰル。

彼ラハ「英國民」ノ々米國ニ對シ課セラレタコトミヲ切望シテヰル。彼等ニハ吾々ガ正當ナル戰ハ、ニ的テツテ戰フトハ到底考ヘラレズ、奈翁ノ勝利ト彼等ノ運動ノ絶望的ナルヲ判斷セル時機ニ於テ、夲翁トノ協同作戰ヲ前々カラ畜セルコトノ結果トノミ考ヘテヰル。斯カル意見ガ當地ニ遍ク受ケ容レラレテヰルトシテモ決シテ驚クニ當ラナイ。斯カル效果ヲ招來シ、以テ對米戰ニ調シ民心ヲ得ンガ爲ニハ、内閣當局者ハ單ニ米國ノ聯合派諸演說ナリ新聞記事ナリヲ轉寫スレバ事足リタノ

PURL: http://www.legal-tools.org/doc/510ac6/

Dof.Doc.#806128

デアル。假令ピツカリング、クインシー、ストロング、バンスン等ハ多数米國民ノ人心ヲ贏得ルニ至ラナカツタトシテモ、當地ニ於イテハ少クトモ十二分ニ奏功シテ居リ、情報ヲ政治雜誌ノ類ニ求メル階層ノ英人全テニ對シ「一八一二年ノ戰役ニ際シテハ」吾々ニハ何ラ苦情ヲ持チ込ム種モナク、全ク奈翁ノ同盟國トシテ行動シテキルニ過ギナイ旨ヲ納得リセルノハ極メテ容易ナコトデアツタ。

若シ今吾々ガピカリング、クインシー、ストロング、ハンソン等ノ代リニ我國ノ孤立主義者ノ名前リ擧ツカ當候メテ見レバ、須推ハ明々白ザアリ、日本各紙ノ第一面ニナニシヨ以テ掲グラレルノハ實ニ斯カル御仁ノ言動デアツテ、日本國民ハ之メテ當リ前ノ樣ニ夫ガ、アメリカノ主要見解ヲ代表スルモノノ樣ニ考へ込ンデシマフノデアル。

北京、天津、上海等ノ支那陸上介地ニ現在派遣サレテキル米國海兵隊ノ撤收問題ニ付、合衆國政府ハ考慮中ナル旨大統領ハ本日發表シタ。

〃滯日〃十年〃ト題スル前駐日大使グルー氏日記ヨリノ拔萃

四七四頁四七六頁

PURL: http://www.legal-tools.org/doc/510ac6/

Defense Document 206-X (120)

CHURCHILL PLEDGES WAR WITHIN THE HOUR

November 11, 1941

Churchill has come out with the statement that "if the United States should be involved in a war with Japan, a British declaration of war would follow within the hour." It does one's heart good to hear such an unqualified statement by the British Prime Minister, leaving nothing whatever to Japan's imagination.

Excerpt from Diary of Former U. S. Ambassador Grew entitled "Ten Years in Japan."
Page 478

DOM-KOL

PURL: http://www.legal-tools.org/doc/510ac6/

not used

Def Doc No. 206 E-120

辯護國文書第二百〇六號（百二十）

チャーチル速刻宣戰を盟ふ。

一九四一年十一月十一日

チャーチルは、若し米國にして日本との戰爭に卷き込まれんか、英國の宣戰は、直ちに寸時を出でずして布告されるだらう、といふ聲明を公にした。斯かる英國首相による率直なる聲明を聞くと、日本が更に臆測する餘地が殘らないので、聞く者が嬉しくなるのである

題して「在日中の十年間」といふ前米國大使グルーの日記よりの拔萃。

第四七八頁より

RECEIVED
AUG 7 1947

PURL: http://www.legal-tools.org/doc/510ac6/

Ref'

DEF DOC # 814

Translated by
Defense Language Branch

Telegram dispatched from Ōta, Consul General at Shamieu,
to Uchida, Foreign Minister, Jun. 10, 1919.

3839

(Cipher)

Dispatched from Shamieu, at 00.50 Hrs., June 10, 8th year of Taishō(1919)

Received at the Ministry, at 00.10 hrs., June 11, 8th year of Taishō(1919)

To Foreign Minister, UCHIDA.

From Consul General, ŌTA

No. 112

Concerning the dispatched telegram No. 25,

It is the concensus of Chinese opinion that the British and American Tobacco Companies have been instrumental in boycotting Japanese goods in an attempt to lead the South Sea Brothers Tobacco Company into bankruptcy and that there companies had a great deal to do with inciting the riot on the night of the 30th by using numbers of coolies. Nevertheless, it is difficult to obtain definite evidence since such movements are naturally carried out with strict secrecy. However, I will wire you further as soon as I obtain evidence by making private inquiries in all quarters.

Received by the 2nd Record Section,
January 29, 9th year of Taishō(1920)

PURL: http://www.legal-tools.org/doc/b788ce/

LLF DOC # 214

C E R T I F I C A T E

Statement of Source and Authenticity

I, HAYASHI, Kaoru, Chief of the Archives Section, Japanese Foreign Office, hereby certify that the document hereto attached in Japanese consisting of 2 pages and entitled "Telegram No. 112 from Ōta, Consul General at Shamoen, to Uchida, Foreign Minister, despatched on June 10, 1919." is an exact and true copy of an official document of the Japanese Foreign Office.

Certified at Tokyo,

on this 17th day of January, 1947.

(signed) K. HAYASHI
Signature of Official

Witness: (signed) Nagaharu, ODO

Translation Certificate

I, William E. Clarke, of the Defense Language Branch, hereby certify that the foregoing translation described in the above certificate is, to the best of my knowledge and belief, a correct translation and is as near as possible to the meaning of the original document.

/S/ William E. Clarke

Tokyo, Japan
Date 21 Jan. 1947

PURL: http://www.legal-tools.org/doc/b788ce/

Ref

DEF DOC # 214

在沙面太田總領事發內田外務大臣宛電信

三八三暗九　沙面發　十　日后〇、五〇
　　本省着　大正八年六月十一日前〇、一〇

內田外務大臣

太田總領事

大正八年六月十日

第一一二號

發電第二五號ニ關シ

英米煙草會社カ南洋兄弟煙草會社ノ勢力ヲ失墜セシムルタメ日貨排斥ヲ遉動シ殊ニ三十日夜ハ多數ノ苦力ヲ備ヒ異動ハイセイニ多大ノ關係アリシコトハ各方面支那人言說ノ一致スル處ナルモ固ヨリ斯クノ如キ遉動ハ極メテ秘密ノ間ニ行ハルヘキモノナルヘキヲ以テ的確ナル證據ヲ得ルコトハ困難ナルモ尙ホ各方面ニ付內偵シ判リ次第電報スヘシ。

大正九年壹月廿九日

記錄第二部接受

PURL: http://www.legal-tools.org/doc/b788ce/

Ref

DEF DOC # 215

Translated by Defense Language Branch

Telegram from Ichikawa, Acting-(TN. Consul, at Amoy to Uchida, Foreign Minister June 6, 1919.

6419

(Cipher)

Dispatched from Amoy, at 7,30 p.m., June 6,
8th year of Taishō (1919)

Received at the Ministry, at 2,45 p.m., June 7,
8th year of Taishō (1919)

To Foreign Minister UCHIDA

From Acting-(TN. Consul), ICHIKAWA

No. 34

Incited by the reports that 400 students had been arrested by the authorities in Peking, masses of students have been roaming through the streets since early in the morning with banners prepared last night. Nearly all the shops, have closed their doors for fear of ... (missing) ... damage, and the city is generally struck with alarm. The Chinese police are keeping guard at important points but they fail to maintain order. The Rioters, taking advantage of the situation, are assaulting and threatening anyone seen making a purchase in the Japanese retail stores.

It is difficult to understand why the student riot broke out suddenly.

The Chinese authorities appear, on the other hand, to be almost incompetent. As the Warship CHITOSE is now at anchor,

PURL: http://www.legal-tools.org/doc/56b428/

DEF LOC # 215

the marines are ready to land anytime when danger is imminent. It is, however, realized that careful consideration must be given before carrying out such a landing.

Telegraphed to Peking, Tientsin and Tsinan;

Sent by mail in cipher to Fuchow and Swatow.

PURL: http://www.legal-tools.org/doc/56b428/

IMT DOC # 215

CERTIFICATE

Statement of Source and Authenticity

I, HAYASHI, Kaoru, Chief of the Archives Section, Japanese Foreign Office, hereby certify that the document hereto attached in Japanese consisting of 2 pages and entitled "Telegram No. 34 from Ichikawa, in charge of Consulate at Amoy, to Uchida, Foreign Minister, despatched on June 6, 1919." is an exact and true copy of an official document of the Japanese Foreign Office.

Certified at Tokyo,
on this 17th day of January, 1947.

K. Hayashi
Signature of Official

Witness: Nagaharu Odo

Translation Certificate

I, William F. Clarke, of the Defense Language Branch, hereby certify that the foregoing translation described in the above certificate is, to the best of my knowledge and belief, a correct translation and is as near as possible to the meaning of the original document.

/S/ William F. Clarke

Today, Japan
Date 21 Jan 1947

PURL: http://www.legal-tools.org/doc/56b428/

Ref

T LOC ; 215

在廈門市川事務代理發　内田外務大臣宛電信　大正八年六月六日

六四
九一　暗　廈門發　大正八年六月　六日　后七、三〇
　　本省着　　七日　后二、四五

内田外務大臣
市川事務代理

第三四號

北京ニ於テ學生四百名官憲ノ手ニ逮捕セラレタリトノ報直ニ刺戟セラレタル當地學生團ハ昨夜中ニ準備シタル旗ヲ立テテ早朝ヨリ市中ヲ練廻リ各商店ハ（脫）ノ害ヲ恐レテ大半閉店シ市中一般ニ恐怖ノ念ニ打タレツツアリ支那警察ハ要所要所ニ立番セルモ何等取締ノ効カク之ニ乘ジテ頑漢ハ日本雜貨小賣商店ヨリ買物ヲナシタルモノヲ見當リ次第殴打脅迫シツツアリ學生團ノ暴行ハ何故ニ突然爆發シタルヤ到底了解ニ苦シム處ナルガ又一方支那官憲ハ之ニ對シ殆ド無能力ナリト認メラル自ラ軍艦千歲淀泊中ナルニ付危險切迫ト認ムルハ直ニ臨戰準備ヲ以テ臨ムルモノアリト認メラルル之ガ實施ハ愼重ナル考慮ヲ要スルモノト思考ス

北京天津濟南へ電報シ福州仙頭へ暗號ノ儘郵送セリ

PURL: http://www.legal-tools.org/doc/56b428/

IMT DOC # 215

CERTIFICATE

Statement of Source and Authenticity

I, HAYASHI, Kaoru, Chief of the Archives Section, Japanese Foreign Office, hereby certify that the document hereto attached in Japanese consisting of 2 pages and entitled "Telegram No. 34 from Ichikawa, in charge of Consulate at Amoy, to Uchida, Foreign Minister, despatched on June 6, 1919." is an exact and true copy of an official document of the Japanese Foreign Office.

Certified at Tokyo,
on this 17th day of January, 1947.

K. Hayashi
Signature of Official

Witness: Nagaharu Odo

"Shantung problem" to carry out their evil designs and agitated a comparatively intelligent class of people. What they preach being what it is, and the leaders coming from the intelligentsia, and furthermore being prompted by the encouraging attitude of the foreigners in China, particularly the British and Americans, the anti-Japanese movement has been carried out in a relatively orderly manner up to date. The foundation of the movement is more solidly established than expected. Unless the Shantung problem can be brought to a solution once and for all,

PURL: http://www.legal-tools.org/doc/56b428/

Ref

Translated by Defense Language Branch

DEF DOC # 217

Telegram from Obata, Minister at Peking to Uchida, Foreign Minister, June 10, 1919

0539

(Cipher)

Dispatched from Peking on June 10, 8th year of Taishō (1919)

Received at the Ministry, at 5,35 p.m., June 10, 8th year of Taishō (1919)

To Foreign Minister, UCHIDA

From Minister, OBATA

No. 835

Anti-Japanese campaign which is already in progress in various parts of this country is being gradually accelerated lately. As to the motive of the present anti-Japanese movement, it is practically obvious that a group of ambitions politicians, particularly those politicians who belong to the KENKYUKAI, (TN. Study Society) capitalized on the "Shantung problem" to carry out their evil designs and agitated a comparatively intelligent class of people. What they preach being what it is, and the leaders coming from the intelligentsia, and furthermore being prompted by the encouraging attitude of the foreigners in China, particularly the British and Americans, the anti-Japanese movement has been carried out in a relatively orderly manner up to date. The foundation of the movement is more solidly established than expected. Unless the Shantung problem can be brought to a solution once and for all,

PURL: http://www.legal-tools.org/doc/c2f228/

DEF LOC # 217

this movement may not cease for a while and---(not clear)--- of the agreed particulars between Japan and China may become more and more intense. The anti-Japanese lately shows a tendency gradually to become bolder and stronger especially since June. It is superflous to say that this was caused by the obviously encouraging attitude of foreigners in China which was indicated by the sympathetic resolutions made by foreign missionaries or in resolutions made by the British American Association. Another cause---(not clear)--- American leaders in Paris will aid the Chinese Mission as best they can in regard to the Shantung problem---(not clear)---With this the Chinese found some hope and encouragement, (continued)

(Relayed at Mukden, 7 a.m., June 10)

PURL: http://www.legal-tools.org/doc/c2f228/

DEF DOC # 217

CERTIFICATE

Statement of Source and Authenticity

I, HAYASHI, Kaoru, Chief of the Archives Section, Japanese Foreign Office, hereby certify that the document hereto attached in Japanese consisting of 2 pages and entitled "Telegram No. 835 from Obata, Minister at Peking, to Uchida, Foreign Minister, despatched on June 10, 1919." is an exact and true copy of an official document of the Japanese Foreign Office.

Certified at Tokyo,
on this 17th day of January, 1947.

DK. Hayashi
Signature of Official

Witness: Nagaharu Odo

Translation Certificate

I, William F. Clarke, of the Defense Language Branch, hereby certify that the foregoing translation described in the above certificate is, to the best of my knowledge and belief, a correct translation and is as near as possible to the meaning of the original documeht.

/S/ William F. Clarke

Tokyo, Japan
Date 21 Jan, 1947.

PURL: http://www.legal-tools.org/doc/c2f228/

Ref

EF DOC # 217

在北京小幡公使發内田外務大臣宛電信

大正八年六月十日

後五・三五

九三五。（暗）

北京發

本省着

内田外務大臣

小幡公使

第八三五號

支那ニ於ケル排日風潮ハ已ニ各地ニ瀰漫シ最近ニ至リ漸ク熾烈ニ迷カンスル状勢ナル處抑々モ今次排日運動ノ勃興ニ付テハ一派ノ野心政治家ノ計ニ出デタルヤ殆ンド疑ヲ容レザル事ニ属シ「ボイコット」ニ「目的」ヲ研究會系ガ其非望ヲ遂成セントシテ屢々山東問題ナル好「題へテ比較的智識階級ヲ動スニ至レルモノナルヤ殆ンド疑ヲ容レザル事實ナルモ、其標榜スル所ト主動者ガ智識階級ナルノ外更ニ在支英米人ヲ中心トスル外國側ノ煽動的態度ニ勢ヲ得テ今日迄ノ所運動ハ比較的秩序善ク行ハレ其根底意外ニ強固ナルモノアリ旁山東問題ニシテ何等最終的決定ヲ告グルニアラザレバ此運動ハ容易ニ絶ヘ熄ノ期ナクシテ日支間ニ於ケル細目協定ノ（不明）更ニ一層激烈ノ度ヲ加ウベキカト想察セラルル處六月末最近ニ至リ特ニ彼等ノ排日運動ノ氣勢漸次大ニ且ツ濃厚ヲ加

PURL: http://www.legal-tools.org/doc/c2f228/

LF DOC # 217

ヘタルニ就テハ近ク外國宣教師ノ同情的決議乃至英米協會ノ決議等在支外國人ノ露骨ナル煽動的態度ニ刺激セラレタルコト固ヨリ、其一因（不明）ハズノト雖巴里ニ於ケル米國首腦者ガ支那使節ニ對シ、山東問題ニ關シテハ最善ノ援助ヲ辭セザル――（不明）――ニ對スル支那側ノ（不明）一線ノ光明ヲ有スルニ至リ勵奬ヲ與ヘタルガ（續ク）

（奉天中繼六月十日前七時）

LF LOC # 218 not used

[illegible] EXTENSION OF THE
[illegible] RELATIONS BETWEEN
UNITED STATES AND CHINA.

Signed at Shanghai, October 8, 1903.

Ratifications exchanged at Washington, January 13, 1904.

The United States of America and His Majesty the Emperor of China, being animated by an earnest desire to extend further the commercial relations between them and otherwise to promote the interests of the peoples of the two countries, in view of the provisions of the first paragraph of Article XI of the final protocol signed at Peking of the seventh day of September, A.D. 1901, whereby the Chinese Government agreed to negotiate the amendments deemed necessary by the foreign Governments to the treaties of commerce and navigation and other subjects concerning commercial relations, with the object of facilitating them, have for that purpose named as their Plenipotentiaries: ---

The United States of America ---

EDWIN H. CONGER, Envoy Extraordinary and Minister Plenipotentiary of the United States of America to China ---

JOHN GOODNOW, Consul-General of the United States of America at Shanghai ---

JOHN F. SEAMAN, a Citizen of the United States of America resident at Shanghai ---

And his Majesty the Emperor of China ---

LU HAI-HUAN, President of the Board of Public Works ---

PURL: http://www.legal-tools.org/doc/788c65/

LLF 100 // 210

SHING HSUAN-HUAI, Junior Guardian of the Heir Apparent.

Formerly Senior Vice-President of the Board of Public Works ---

who, having met and duly exchanged their full powers which were found to be in proper form, have agreed upon the following amendments to existing treaties of commerce and navigation formerly concluded between the two countries, and upon the subjects hereinafter expressed connected with commercial relations, with the object of facilitating them.

Article 1. ----Diplomatic representatives; rights and privileges. ---In accordance with international usage, and as the diplomatic representative of China has the right to reside in the capitol of the United States, and to enjoy there the same prerogatives, privileges and immunities as are enjoyed by the similar representative of the most favored nation, the diplomatic representative of the United States shall have the right to reside at the capitol of His Majesty the Emperor of China. He shall be given audience of His Majesty the Emperor whenever necessary to present his letters of credence or any communication from the President of the United States. At all such times he shall be received in a place and in a manner befitting his high position, and on all such occasions the ceremonial observed toward him shall be that observed toward the representatives of nations on a footing of equality, with no loss of prestige on the part of either.

PURL: http://www.legal-tools.org/doc/788c65/

DLF L 00 # 216

The diplomatic representatives of the United States shall enjoy all the prerogatives, privileges and immunities accorded by international usage to such representatives, and shall in all respects be entitled to the treatment extended to similar representatives of the most favored nation.

English text authoritative. ---The English text of all notes or dispatches from United States officials to Chinese officials, and the Chinese text of all notes from Chinese officials to United States officials shall be authoritative.

Article II.---Consular officers, rights and privileges. ---If China may appoint consular officers to reside in the United States and to enjoy there the same attributes, privileges and immunities as are enjoyed by consular officers of other nations, the United States may appoint, as its interests may require, consular officers to reside at the places in the Empire of China that are now or that may hereafter be opened to foreign residence and trade. They shall hold direct official intercourse and correspondence with the local officers of the Chinese Government within their consular districts, either personally or in writing, as the case may require, on terms of equality and reciprocal respect. These officers shall be treated with due respect by all Chinese authorities, and they shall enjoy all the attributes, privileges and immunities, and exercise all the jurisdiction over their nationals which are or may hereafter be extended to similar officers of the nation the most favored in these respects. If the officers of either government are

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disrespectfully treated or aggrieved in any way by authorities of the other, they shall have the right to make representation of the same to the superior officers of their own government who shall see that full inquiry and strict justice be had in the premises. And the said consular officers of either nation shall carefully avoid all acts of offense to the officers and people of the other nation.

On the arrival of a consul duly accredited at any place in China opened to foreign trade it shall be the duty of the Minister of the United States to inform the Board of Foreign Affairs, which shall, in accordance with international usage, forthwith cause the proper recognition of the said consul and grant him authority to act.

Article III. ---American citizens in China; their rights. ---Citizens of the United States may frequent, reside and carry on trade, industries and manufactures, or pursue any lawful avocation, in all the ports or localities of China which are now open or may hereafter be opened to foreign residence and trade; and, within the suitable localities at those places which have been or may be set apart for the use and occupation of foreigners, they may rent or purchase houses, places of business and other buildings, and rent or lease in perpetuity land and build thereon They shall generally enjoy as to their persons and property all such rights, privileges and immunities as are or may hereafter be granted to the subjects or citizens of the nation the most favored in these respects.

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Article IV. ---Likin and other transit dues to be totally abolished. ---The Chinese Government, recognizing that the existing system of levying dues on goods in transit, and especially the system of taxation known as likin, impedes the free circulation of commodities to the general injury of trade, hereby undertakes to abandon the levy of likin and all other transit dues throughout the Empire and to abolish the offices, stations and barriers maintained for their collection and not to establish other offices for levying dues on goods in transit. It is clearly understood that, after the officers, stations and barriers for taxing goods in transit have been abolished, no attempt shall be made to reestablish them in any form or under any pretext whatsoever:

Surtax on tariff rates granted in compensation. ---The Government of the United States, in return, consents to allow a surtax, in excess of the tariff rates for the time being in force, to be imposed on foreign goods imported by citizens of the United States and on Chinese produce destined for export abroad or coast-wise. It is clearly understood that in no case shall the surtax on foreign imports exceed one and one-half times the import duty leviable in terms of the final Protocol signed by China and the Powers on the seventh day of September, A. D. 1901; that the payment of the import duty and surtax shall secure for foreign imports, whether in the hands of Chinese or foreigners, in original packages or otherwise, complete

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immunity from all other taxation, examination or delay; that the total amount of taxation, inclusive of the tariff export duty, leviable on native produce for export abroad shall, under no circumstances, exceed seven and one-half per centum ad valorem.

China 's right to levy taxes. ---Nothing in this article is intended to interfere with the inherent right of China to levy such other taxes as are not in conflict with its provisions.

Keeping these fundamental principles in view, the High Contracting Parties have agreed upon the following method of procedure.

Likin barriers to be abolished. Native customs offices to be retained in certain localities.---The Chinese Government undertakes that all offices, stations and barriers of whatsoever kind for collecting likin, duties, or such like dues on goods in transit, shall be permanently abolished on all roads, railways and waterways in the nineteen Provinces of China and the three Eastern Provinces. This provision does not apply to the native Customs offices at present in existence on the seaboard, at open ports where there are offices of the Imperial Maritime Customs and on the land frontiers of China embracing the nineteen Provinces and the three Eastern Provinces.

Wherever there are offices of the Imperial Maritime Customs, or wherever such may be hereafter placed, native Customs offices may also be established, as well as at any point either on the seaboard or land frontiers.

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Surtax on duties on foreign imports.---The Government of the United States agrees that foreign goods on importation, in addition to the effective five per centum import duty as provided for in the Protocol of 1901, shall pay a special surtax of one and one-half times the amount of the said duty to compensate for the abolition of likin, of other transit dues besides likin, and of all other taxation on foreign goods, and in consideration of the other reforms provided for in this article.

Revision of foreign export tariff.---The Chinese Government may recast the foreign export tariff with specific duties, as far as practicable, on a scale not exceeding five per centum ad valorem; but existing export duties shall not be raised until at least six months' notice has been given. In cases where existing export duties are above five per centum, they shall be reduced to not more than that rate.

Surtax on exports; how levied. ---An additional special surtax of one-half the export duty payable for the time being, in lieu of internal taxation of all kinds, may be levied at the place of original shipment or at the time of export on goods exported either to foreign countries or coastwise.

Certificate of origin. ---Foreign goods which bear a similarity to native goods shall be furnished by the Customs officers, if required by the owner, with a protective certificate for each package,, on the payment of import duty and surtax, to prevent the risk of any dispute in the interior.

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Junk-borne goods.---Native goods brought by junks to open ports, if intended for local consumption, irrespective of the nationality of the owner of the goods, shall be reported at the native Customs offices only, to be dealt with according to the fiscal regulations of the Chinese Government.

Machine-made goods in China; treatment of.---Machine-made cotton yarn and cloth manufactured in China, whether by foreigners at the open ports or by Chinese anywhere in China, shall as regards taxation be on a footing of perfect equality. Such goods upon payment of the taxes thereon shall be granted a rebate of the import duty and of two-thirds of the import surtax paid on the cotton used in their manufacture, if it has been imported from abroad, and of all duties paid thereon if it be Chinese grown cotton. They shall also be free of export duty, coast-trade duty and export surtax. The same principle and procedure shall be applied to all other products of foreign type turned out by machinery in China.

Maritime Customs to oversee native customs affairs.--- A member or members of the Imperial Maritime Customs foreign staff shall be selected by the Governors-General and Governors of each of the various provinces of the Empire for their respective provinces, and appointed in consultation with the Inspector General of Imperial Maritime Customs, for duty in connection with native Customs affairs to have a general supervision of their working.

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Complaints; how investigated. Responsibility for enforcement of provisions of treaty.---Cases where illegal action is complained of by citizens of the United States shall be promptly investigated by an officer of the Chinese Government of sufficiently high rank, in conjunction with an officer of the United States Government, and an officer of the Imperial Maritime Customs , each of sufficient standing; and, in the event of it being found by the investigating officers that the complaint is well founded and loss has been incurred, due compensation shall be paid through the Imperial Maritime Customs. The high provincial officials shall be held responsible that the officer guilty of the illegal action shall be severely punished and removed from his post. If the complaint is shown to be frivolous or malicious, the complainant shall be held responsible for the expenses of the investigation.

Idict to be published when article becomes operative. ---When the ratifications of this treaty shall have been exchanged by the High Contracting Parties hereto, and the provisions of this Article shall have been accepted by the Powers having treaties with China, then a date shall be agreed upon when the provisions of this Article shall take effect and an Imperial Idict shall be published in due form on yellow paper and circulated throughout the Empire of China setting forth the abolition of all likin taxation, duties on goods in transit, offices, stations and barriers for collecting the same, and of all

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descriptions of internal taxation on foreign goods, and the imposition of the surtax on the import of foreign goods and on the export of native goods, and the other fiscal changes and reforms provided for in this Article, all of which shall take effect from the said date. The Edict shall state that the provincial high officials are responsible that any official disregarding the letter or the spirit of its injunction shall be severely punished and removed from his post.

Article V. ---Tariff on American imports. Most favored nation treatment. ---The tariff duties to be paid by citizens of the United States on goods imported into China shall be as set forth in the schedule annexed hereto and made part of this Treaty, subject only to such amendments and changes as are authorized by Article IV of the present convention or as may hereafter be agreed upon by the High Contracting Parties hereto. It is expressly agreed, however, that citizens of the United States shall at no time pay other or higher duties than those paid by the citizens or subjects of the most favored nation.

Conversely, Chinese subjects shall not pay higher duties on their imports into the United States than those paid by the citizens or subjects of the most favored nation.

Article VI.---Bonded warehouses.---The Government of China agrees to the establishment by citizens of the United States of warehouses approved by the proper Chinese authorities as bonded warehouses at the several open ports of China, for

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storage, re-packing, or preparation for shipment of lawful goods, subject to such necessary regulations for the protection of the revenue of China, including a reasonable scale of fees according to commodities, distance from the custom house and hours of working, as shall be made from time to time by the proper officers of the Government of China.

ARTICLE VII. ---Mining regulations to be revised and operations encouraged. --The Chinese Government, recognizing that it is advantageous for the country to develop its mineral resources, and that it is desirable to attract foreign as well as Chinese Capital to embark in mining enterprises, agrees, within one year from the signing of this Treaty, to initiate and conclude the revision of the existing mining regulations. To this end China will, with all expedition and earnestness, go into the whole question of mining rules; and, selecting from the rules of the United States and other countries regulations which seem applicable to the condition of China, will recast its present mining rules in such a way as, while promoting the interests of Chinese subjects and not injuring in any way the Sovereign rights of China, will offer no impediment to the attraction of foreign capital nor place foreign capitalists at a greater disadvantage than they would be under generally accepted foreign regulations; and will permit citizens of the United States to carry on in Chinese

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territory mining operations and other necessary business relating thereto provided they comply with the new regulations and conditions which will be imposed by China on its subjects and foreigners alike, relating to the opening of mines, the renting of mineral land, and payment of royalty, and provided they apply for permits, the provisions of which in regard to necessary business relating to such operations shall be observed. The residence of citizens of the United States in connection with such mining operations shall be subject to such regulations as s hall be agreed upon by and between th e United States and China.

Any mining concession granted after the publication of such new rules shall be subject to their provisions.

ARTICLE VIII.--Drawback certificates.--Drawback certificates for the return of duties shall be issued by the Imperial Maritime Customs to citizens of the United States within three weeks of the presentation to the Customs of the papers entitling the applicant to receive such drawback certificates, and they shall be receivable at their face value in payment of duties of all kinds (tonnage dues excepted) at the port of issue; or shall, in the case of drawbacks on foreign goods re-exported within three years from the date of importation, be redeemable by the Imperial Maritime Customs in full in ready money at the port of issue, at the option of the holders thereof. But if, in connection with any application for a drawback certificate, the Customs authori-

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ties discover an attempt to defraud the revenue, the applicant shall be dealt with and punished in accordance with the stipulations provided in the Treaty of Tientsin, Article XI, in the case of detected frauds on the revenue. In case the goods have been removed from Chinese territory, then the consul shall inflict on the guilty party a suitable fine to be paid to the Chinese Government.

ARTICLE IX.--Protection of trade-marks. --Whereas the United States undertakes to protect the citizens of any country in the exclusive use within the United States of any lawful trade-marks, provided that such country agrees by treaty or convention to give like protection to citizens of the United States:--

Therefore the Government of China, in order to secure such protection in the United States for its subjects, now agrees to fully protect any citizen, firm or corporation of the United States in the exclusive use in the Empire of China of any lawfull trade-mark to the exclusive use of which in the United States they are entitled, or which they have adopted and used, or intend to adopt and use as soon as registered, for exclusive use within the Empire of China. To this end the Chinese Government agrees to issue by its proper authorities proclamations, having the force of law, forbidding all subjects of China from infringing on, imitating, colorably imitating, or knowingly passing off an imitation of trade-marks belonging to citizens of the

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United States, which shall have been registered by the proper authorities of the United States at such offices as the Chinese Government will establish for such purpose, on payment of a reasonable fee, after due investigation by the Chinese authorities, and in compliance with reasonable regulations.

ARTICLE X.---Protection of patents.---The United States Government allows subjects of China to patent their inventions in the United States and protects them in the use and ownership of such patents. The Government of China now agrees that it will establish a Patent Office. After this Office has been established and special laws with regard to inventions have been adopted it will thereupon, after the payment of the prescribed fees, issue certificates of protection, valid for a fixed term of years, to citizens of the United States on all their patents issued by the United States, in respect of articles the sale of which is lawful in China, which do not infringe on previous inventions of Chinese subjects, in the same manner as patents are to be issued to subjects of China.

ARTICLE XI.---Protection of copyright.---Whereas the Government of the United States undertakes to give the benefits of its copyright laws to the citizens of any foreign State which gives to the citizens of the United States the benefits of copyright on an equal basis with its own citizens: -----

Therefore the Government of China, in order to secure such

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benefits in the United States for its subjects, now agrees to give full protection, in the same way and manner and subject to the same conditions upon which it agrees to protect trade-marks, to all citizens of the United States who are authors, designers or proprietors of any book, map, print or engraving especially prepared for the use and education of the Chinese people, or translation into Chinese of any book, in the exclusive right to print and sell such book, map, print, engraving or translation in the Empire of China during ten years from the date of registration. With the exception of the books, maps, etc., specified above, which may not be reprinted in the same form, no work shall be entitled to copyright privileges under this article. It is understood that Chinese subjects shall be at liberty to make, print and sell original translations into Chinese of any works written or of maps compiled by a citizen of the United States. This article shall not be held to protect against due process of law any citizen of the United States or Chinese subject who may be author, proprietor or seller of any publication calculated to injure the well-being of China.

ARTICLE XII.---Navigation of inland waters.---The Chinese Government having in 1898 opened the navigable inland waters of the Empire to commerce by all steam vessels, native or foreign, that may be specially registered for the purpose, for the conveyance of passengers and lawful merchandise,---citizens, firms and corporations of the United States may engage in such

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Chinese on equal terms with those granted to subjects of any foreign power.

In case either party hereto considers it advantageous at any time that the rules and regulations then in existence for such commerce be altered or amended, the Chinese Government agrees to consider amicably and to adopt such modifications thereof as are found necessary for trade and for the benefit of China.

Mukden and Antung opened to foreign trade. ---The Chinese Government agrees that, upon the exchange of the ratifications of this Treaty, Mukden and Antung, both in the province of Shêng-king, will be opened by China itself as places of international residence and trade. The selection of suitable localities to be set apart for international use and occupation and the regulations for these places set apart for foreign residence and trade shall be agreed upon by the Governments of the United States and China after consultation together.

Article XIII.---Uniform national coinage.---China agrees to take the necessary steps to provide for a uniform national coinage which shall be legal tender in payment of all duties, taxes and other obligations throughout the Empire by the Citizens of the United States as well as Chinese subjects. It is understood, however, that all Customs duties shall continue to be calculated and paid on the basis of the Haikuan Tael.

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ARTICLE XIV. ---Christianity, its teachers and followers not to be discriminated against. Rights and duties of missionaries. ---The principles of the Christian religion, as professed by the Protestant and Roman Catholic Churches, are recognized as teaching men to do good and to do to others as they would have others do to them. Those who quietly profess and teach these doctrines shall not be harassed or persecuted on account of their faith. Any person, whether citizen of the United States or Chinese convert, who, according to these tenets, peaceably teaches and practices the principles of Christianity shall in no case be interfered with or molested therefor. No restrictions shall be placed on Chinese joining Christian churches. Converts and non-converts, being Chinese subjects, shall alike conform to the laws of China; and shall pay due respect to those in authority, living together in peace and amity; and the fact of being converts shall not protect them from the consequences of any offence they may have committed before or may commit after their admission into the church, or exempt them from paying legal taxes levied on Chinese subjects generally, except taxes levied and contributions for the support of religious customs and practices contrary to their faith. Missionaries shall not interfere with exercise by the native authorities of their jurisdiction over Chinese subjects; nor shall the native authorities make any distinction between converts and non-converts, but shall administer the

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laws without partiality so that both classes can live together in peace.

Property; land purchased by missionary societies. --- Missionary societies of the United States shall be permitted to rent and to lease in perpetuity, as the property of such societies, buildings or land s in all parts of the Empire for missionary purposes and after the title deeds have been found in order and duly stamped by the local authorities, to erect such suitable buildings as may be required for carrying on their good work.

ARTICLE XV. ---Reform of judicial system. Extra-territoriality to terminate. ---The Government of China having expressed a strong desire to reform its judicial system and to bring it into accord with that of western nations, the United States agrees to give every assistance to such reform and will also be prepared to relinquish extra-territorial rights when satisfied that the state of the Chinese laws, the arrangements for their administration, and other considerations warrant it in so doing.

ARTICLE XVI. ---Prohibition of importation of morphia. ---The Government of the United States consents to the prohibition by the Government of China of the importation into China of morphia and of instruments for its injection, excepting morphia and instruments for its injection imported for medical purposes, on payment of tariff duty, and under regulations to be framed by China which shall effectually restrict the

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use of such import to the said purposes.. This prohibition shall be uniformly applied to such importation from all countries. The Chinese Government undertakes to adopt at once measures to prevent the manufacture in China of morphia and of instruments for its injection.

ARTICLE XVII. --Treaties to remain in force except as here modified. --It is agreed between the High Contracting Parties hereto that all the provisions of the several treaties between the United States and China which were in force on the first day of January A.D. 1900, are continued in full force and effect except in so far as they are modified by the present Treaty or other treaties to which the United States is is a party.

The present Treaty shall remain in force for a period of ten years beginning with the date of the exchange of ratifications and until a revision is effected as hereinafter provided.

Revision. --It is further agreed that either of the High Contracting Parties may demand that the tariff and the articles of this convention be revised at the end of ten years from the date of the exchange of the ratifications thereof. If no revision is demanded before the end of the first term of ten years then these articles in their present form shall remain in full force for a further term of ten years reckoned from the end of the first term, and so on for successive periods of ten years.

English text authoritative. --The English and Chinese

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texts of the present Treaty and its three annexes have been carefully compared; but, in the event of there being any difference of meaning between them, the sense as expressed in the English text shall be held to be the correct one.

This Treaty and its three annexes shall be ratified by the two High Contracting Parties in conformity with their respective constitutions, and the ratifications shall be exchanged in Washington not later than twelve months from the present date.

In testimony hereof, we, the undersigned, by virture of our respective powers, have signed this Treaty in duplicate in the English and Chinese languages, have affixed our respective seals.

Done at Shanghai, this eighth day of October in the year of our Lord one thousand nine hundred and three, and in the twenty ninth year of Kuang Hsu eighth month and eighteenth day.

EDWIN H. CONGER (SEAL)

JOHN GOODNOW (SEAL)

JOHN F. SEAMAN (SEAL)

Signatures and seal of Chinese Plenipotentiaries.

(LU HAI-HUAN)

(SHENG HSUAN-HUAI)

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ANNEX 1.

As citizens of the United States are already forbidden by treaty to deal in or handle opium, no mention has been made in this Treaty of opium taxation.

As the trade in salt is a government monopoly in China, no mention has been made in this Treaty of salt taxation.

It is, however, understood, after full discussion and consideration, that the collection of inland dues on opium and salt and the means for the protection of the revenue therefrom and for preventing illicit raffic therein are left to be administered by the Chinese Government in such manner as shall in no wise interfere with the provisions of Article IV of this treaty regarding the unobstructed transit of other goods.

EDWIN H. CONGER (SEAL)

JOHN GOODNOW (SEAL)

JOHN F. SEAMAN (SEAL)

Signature and seal of Chinese Plenipotentiaries.

(LU HAI-HUAN)

(SHENG HSUAN-HUAI)

ANNEX II.

Article IV of the Treaty of Commerce between th e United States and China of this date provides for the retention of the native Customs offices at the open ports. For the purpose of safeguarding the revenue of China at such places, it is

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understood that the Chinese Government shall be entitled to establish and maintain such branch native Customs offices at each open port, within a reasonable distance of the main native Customs offices at the port as shall be deemed by the authorities of the Imperial Maritime Customs at that port necessary to collect the revenue from the trade into and out of such port. Such branches, as well as the main native Customs offices at each open port, shall be administered by the Imperial Maritime Customs as provided by the Protocol of 1901.

EDWIN H. CONGER (SEAL)

JOHN GOODNOW (SEAL)

JOHN F. SEAMAN (SEAL)

Signatures and seal of Chinese Plenipotentiaries.

(LU HAI-HUAN)

(SHENG HSUAN-HUAI)

ANNEX III.

The schedule of tariff duties on imported goods annexed to this Treaty under Article V is hereby mutually declared to be the schedule agreed upon between the representatives of China and the United States and signed by John Goodnow for the United S tates and Their Excellencies LU Hai-huan and Sheng Hsuan-Huai for China at Shanghai on the sixth day of September A. D. 1902, according to the Protocol of the seventh day of September A.D. 1901.

EDWIN H. CONGER (SEAL)

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JOHN GOODNOW (SEAL)

JOHN P. SLAMAN (SEAL)

Signature and seal of Chinese Plenipotentiaries.

(LU HAI-HUAN)

(SHENG HSUAN-HUAI)

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not used

亞米利加合衆國及　支那國間通商關係擴張ニ關スル條約

千九百三年十月八日上海ニ於テ調印
千九百四年一月十三日華盛頓ニ於テ批准交換

亞米利加合衆國及支那國皇帝陛下ハ兩國間ノ通商關係ヲ更ニ擴張シ且又支那國ノ政府ガ通商航海條約ニ對スル諸外國政府ノ必要ナリト思惟セル修正ニ付キ及通商關係進捗ノ目的ヲ以テ其ノ他ノ通商關係諸事項ニ付商議ヲ開クコトニ同意シタル一九〇一年九月七日北京ニ於テ調印ノ最終議定書第十一條第一項ノ規定ニ顧ミ兩國民ノ利益ヲ增進セシメムトスル要望ニ應セラレン之ガ爲メ左ノ全權委員ヲ任命セリ

亞米利加合衆國
北京駐劄亞米利加合衆國特命全權公使　エドウイン、エイチ、コンデヤー
上海駐在亞米利加合衆國總領事　ジョン、グードノー
上海在住亞米利加合衆國人民　ジョン、エフ、シーマン

支那國皇帝陛下
工部尚書　呂海寰
太子少保前工部左侍郎　盛宣懷

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石全權委員ハ其ノ全權委任狀ノ良好妥當ナルヲ認メタル後兩國間既存ノ通商航海條約ノ改正ニ付及通商關係進捗ノ目的ヲ以テ下記ノ通商關係諸事項ニ付左ノ如ク協定セリ

第一條　外交代表者　其ノ權利及特權

兩國派遣行ニ從ヒ且支那國外交代表者ハ合衆國首都ニ駐劄シテ最惠國ノ同權ノ代表者ノ享有スルト同一ノ特權及免除ヲ享有スルノ權利ヲ有スルカ故ニ合衆國代表者ハ支那國皇帝陛下ノ首都ニ駐劄スルノ權利ヲ有ス右合衆國外交代表者ハ必要ナル一切ノ場合ニ於テ皇帝陛下ノ謁見ヲ賜ヒテ信任狀又ハ合衆國大統領ヨリノ一切ノ通告ヲ捧呈スルコトヲ得ヘク右一切ノ場合ニ於テ其ノ高地位ニ相當スル場所及方法ヲ以テ接近セラレ且其ノ儀式ハ雙方ノ親信ヲ何等毀損スルコトナク對等ノ地歩ニ於テ諸國代表者ニ對シ行ハルルトコロノモノトス

合衆國代表者ハ領事代表者ニ許與セラルル一切ノ特權及免除ヲ享有シ且一切ノ點ニ付最惠國ノ同權ノ代表者ニ與ヘラルルト同一ノ待遇ヲ受ケルモノトス

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合衆國官憲發支那國官憲宛ノ一切ノ公文及通信文ハ英吉利語ヲ以テ又支那國官憲發合衆國官憲宛ノモノハ支那語ヲ以テ正文トス

第二條　領事館其ノ權利及特權

支那國ハ合衆國ニ駐在シテ他國ノ領事官ノ享有スルト同一ノ權利、特權及免除ヲ享有スル領事官ヲ任命スルコトヲ得ルカ故ニ合衆國ハ其ノ利害關係上必要ナル場合ニハ外國人ノ居住及外國貿易ニ現ニ開カレ又ハ將來開カルベキ支那帝國内ノ地點ニ駐在スル領事官ヲ任命スルコトヲ得右合衆國領事ハ必要ノ場合ニハ其ノ管轄區域内ノ支那國政府ノ地方官憲ト面接シテ又ハ書面ヲ以テ對等及相互尊重ノ條件ノ下ニ直接公ノ交渉又ハ通信ヲ爲スコトヲ得ヘク支那國一切ノ官憲ヨリ相當ノ尊敬ヲ以テ待遇セラレ且最惠國同種ノ官憲ニ對シ現ニ與ヘラレ又ハ將來與ヘラルヘキ一切ノ權限、特權及免除ヲ享有シ及自國民ニ對シ一切ノ裁判權ヲ行使スルコトヲ得ルモノトス然レカ一方國政府ノ官憲ヨリ何等カノ方法ヲ以テ不遇ノ待遇又ハ虐待ヲ蒙リタル場合ニハ該官吏ハ其ノ旨ヲ

自國政府ノ上級官憲ニ申告スルノ權利ヲ有スヘク該上級官憲ハ右ニ付テ充分ナル調査ト嚴正ナル批判トヲ爲スモノトス上記ノ兩國領事ハ相互ニ相手國ノ官憲及人民ニ對シ一切ノ復仇的行爲ヲ行フコトヲ避クモノトス支那國ニ於テ外國貿易ニ開カレタル何レカノ地點ニ正式ニ信任派遣セラレタル領事ノ駐箚シタル場合ニハ合衆國公使ハ其ノ旨外交部ニ通告スヘキ義務ヲ負フヘキ之ニ因リ國際儀行上該領事ハ直ニ正式ニ承認セラレ且其ノ職務執行上ノ權利ヲ容認セラルルモノトス

第三條　支那ニ於ケル合衆國人民　其ノ權利

合衆國人民ハ外國人ノ居住又ハ外國貿易ニ現ニ開カレ又ハ將來開カルヘキ支那國一切ノ港又ハ諸地方ニ往來シ居住シ及商工業及製造業ヲ營ミ又ハ其ノ他一切ノ適法ナル職業ニ從事スルコトヲ得ヘク且右諸地點ニ於テ外國人ノ使用ニ充用ノ爲ニ特設セラレ又ハ特設セラルヘキ適當ナル地域内ニ於テ家屋、事務所及其他ノ建物ノ賃借又ハ購買及土地ノ賃借又ハ永代借地ヲ爲スコトヲ得ヘク其ノ身體財産ニ關シテハ最惠國臣民又ハ人民ニ現ニ許與セラレ又ハ將來許與セラルヘキ一切ノ權利、特權及免除

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ヲ一般ニ享有スルモノトス

第四條　通金稅及其ノ他ノ通過稅ノ全廢

支那國政府ハ通過貨物ニ對シ課稅スルノ現行制度殊ニ通金トシテ知ラレタル課稅制度ガ貨物ノ自由配布ヲ妨ゲテ取引ノ一般的障碍ヲ招來スルニ至ルコトヲ認メ通金及其ノ他一切ノ通過稅ヲ帝國全部ニ亘リテ廢止シ且右徵稅ノ爲設置セラレタル事務所、稅關及補助稅關ヲ廢シ且通過貨物ニ對シ課稅スベキ其ノ他ノ事務所ヲ建設セサルコトヲ玆ニ約ス通過貨物ニ課稅スル事務所、稅關及補助稅關ノ廢止竝ハ其ノ形式及口實ノ如何ヲ問ハス右事務所稅關及補助稅關ノ再設ヲ企テサルモノトス

補償トシテ許與セラレタル關稅率附加稅

合衆國政府ハ右ノ補償トシテ現行暫定關稅率以外ニ附加稅ヲ合衆國人民輸入ノ外國貨物ニ對シ及海外向又ハ沿岸向輸出支那貨物ニ對シテ賦課シ得ルコトニ同意ス如何ナル場合ニ於テモ外國輸入品ニ對スル附加稅ハ百分ノ五ヲ超過セサルヘク千九百一年九月七日支那國及列國間調印ノ最終議定書所定ノ條件ニ從ヒ徵收セラルヘキ輸入稅ノ一倍半ヲ超過スルコトヲ得サルヘク輸入稅及附加稅ノ支

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挿ハ支那人若ハ外國人ノ手元ニ所持スルト又原包裝ノ儘ナルト否トヲ問ハス外國輸入貨物ニ對シ其ノ他ノ一切ノ課稅、禁關若ハ延滯ヨリ全ク免除セラルルモノナルコトヲ確保シ海外輸出ノ內國生產品ニ對シ賦課セラルル輸出稅ヲ含ミ稅ノ總額ハ如何ナル場合ニテモ從價七分五厘ヲ超過スルコトヲ得サルモノトス

支那國ノ課稅權

本條ハ本條ノ規定ト牴觸セサル他ノ稅ヲ賦課スル支那國固有權ニ何等干與スルトコロナキモノトス

右諸原則ヲ考慮シテ締約國ハ左ノ手續ヲ協定セリ

釐金制度ノ廢止　若干地方ニ於ケル內國稅關ノ存置

支那國政府ハ釐金其ノ他通過貨物ニ課セラルル稅ヲ徵收スル一切ノ事務所稅關及補助稅關ハ其ノ種類ノ如何ヲ問ハズ支那國十九省及東邊三省ノ一切ノ道路、鐵道及水路ニ於テ之ヲ永久ニ廢止スル本規定ハ帝國海關所在ノ開港場ノ海岸ニ且十九省及東邊三省ヲ包含スル支那國國上國境ニ現存スル內國稅關ニハ之ヲ適用セス

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又內國稅關ハ帝國海關ノ現存シ又ハ將來設置セラルヘキ一切ノ場所ニ於テ竝ニ海岸又ハ陸上國境ノ如何ナル地點ニ於テモ之ヲ設置スルコトヲ得

外國輸入品ニ對スル課稅ノ附加稅

合衆國政府ハ外國貨物ハ其ノ輸入ニ際シ千九百一年議定書所定ノ現實五分ノ輸入稅ニ加フルニ輸出、輸出以外ノ過稅及外國貨物ニ對スル其他一切ノ課稅ノ廢止ニ對スル補償トシテ且本條所定ノ其ノ他ノ改正事項ヲ考慮シ前記輸入稅額ノ一部半ノ特別附加稅ヲ支拂フベキコトニ同意ス

外國輸出關稅率ノ改正

支那國政府ハ其ノ實施シ得ル限リ外國輸出關稅ノ從量稅ヲ從價五分ヲ超過セル限度ノ從價稅ニ改ムルコトヲ得ルモ現行輸出稅ハ少クトモ六月ノ猶告ノ與ヘラルルマデハ之ヲ引上ゲサルモノトス現行輸出稅ガ五分以上ノ場合ニハ稅率ノ引下ハ五分迄トス

輸出品ニ對スル附加稅　其ノ徵收方法

一切ノ稅額ノ內國稅ノ代リニ支拂ハルヘキ當行輸出稅二分ノ一ノ特別加稅ハ外國向又ハ海岸地方向輸出貨物ニ對シ其ノ最初ノ船積地ニ於テ又ハ

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輸出ノ時ニ於テ之ヲ課スルモノトス

原産地證明書

稅關官吏ハ內國產貨物ト類似スル外國貨物ニ對シ所有者ノ請求アル場合ニハ輸入稅及附加稅支拂ノ上內地ニ於テ生スルコトアルヘキ爭議ノ危險ヲ豫防スル爲各包裝ニ付保護證明書ヲ交付スルモノトス

戎克船積貨物

戎克船ニ依リテ開港場ニ運搬セラレタル內國產貨物ハ地方消費ニ供セラルルモノナル場合ニハ該貨物所有者ノ國籍ノ如何ニ拘ラス支那國政府ノ財政規則ニ依リ處理セラルル爲之ヲ內國稅關ニ報告スルモノトス

支那國內ノ機械製造品　其ノ待遇

支那國內ニ於テ製造セラレタル機械製綿糸及綿布ハ其ノ製造者カ開港場ニ於ケル外國人タルト又ハ支那國內ノ何レカノ地ニ在住スル支那人タルトヲ問ハス課稅ニ關シテハ完全ニ均等ナル地歩ニ置カルルモノトス右貨物ハ其ノ製造原料タル綿カ外國ヨリ輸入セラレタルモノナル場合ニハ該綿ニ付支拂ハレタル輸入稅及輸入附加稅ノ三

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分ノ二ヲ又支那国産綿ナル場合ニハ該綿ニ付支拂ハレタル一切ノ税ヲ劃戻サルベク輸出税、沿岸貿易税及輸出附加税モ亦之ヲ免除セラルベシ右ト同様ナル原則及手續ハ支那國ニ於テ機械ニ依リ製造セラレタル其ノ他一切ノ外國式生産品ニ適用セラルルモノトス

内國關税事務ヲ管理スル海關

帝國海關外人幹部ノ一名又ハ數名ノ部員ハ支那帝國各諸省ノ督撫及知事カ各自管轄ノ省ノ爲ニ之ヲ選出シ帝國海關總税務司ト協議ノ上内國關税事務ニ關スル事務取扱ノ一般的監督ヲ爲サシメルノ任務ニ就カシムベキモノトス

告訴　其ノ審査方法　條約規定強行ニ對スル責任

合衆國人民ガ不法行爲ニ關シテ告訴シタル場合ニハ右事件ハ支那國政府ノ一名ノ相當高級官吏カ合衆國政府及帝國海關各一名ノ相當官吏ト共ニ速ニ之ヲ審査シ且右審査官ガ當該告訴ノ理由並ニ損害ノ發生ヲ認メタル場合ニハ帝國海關ハ相當ノ賠償ヲ爲スモノトス上級地方官憲ハ該不法行爲ニ付キ責任アル官吏ヲ嚴罰ニ處シ且之ヲ罷免スベキコトニ付責ヲ負フモノトス告

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訴カ理由無キモノカ又ハ惡意ニ出デタルモノナルコト分明シタル場合ニハ告訴人ハ審査費用ヲ負擔スベキモノトス

本條實施ノ場合公布セラルベキ勅令

締約國ガ本條約批准交換ヲ行ヒ且本條ノ規定ガ支那國ノ條約國ニ依リ承認セラレタルトキニ本條ノ規定ガ實施セラルベキ日ヲ協定シ及一切ノ釐金稅通貨貨物ニ對スル課稅、右諸稅ヲ徵收スル事務所、稅關及補助稅關、外國貨物ニ對スル國內課稅ノ一切ノ種別、外國貨物輸入及內國產貨物輸出ニ對スル附加稅ノ廢止竝本條所定ノ其ノ他ノ財政的變更及改正ヲ揭載セル勅令ヲ適當ナル形式ヲ以テ官報ニ發表シ之ヲ支那帝國全土ニ播布スベキモノニシテ右一切ノ事項ハ前記ノ日ヨリ實施セラルベキモノトス

該勅令ニハ地方高級官吏ハ勅令ノ法文又ハ精神ヲ無視スル官吏ハ何人ト雖モ之ヲ嚴罰ニ處シ且罷免スベキ責ヲ負フベキ旨ヲ記載スベシ

第五條　合衆國ヨリノ輸入品ニ對スル關稅率　最惠國待遇

支那國ニ輸入セラレタル貨物ニ對シ合衆國人民ノ支拂フベキ關稅ハ本條約ニ附屬シテ本條約ノ一部ヲ成セル稅率表ニ揭載セラレタルモノニシテ

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本條約第四條ノ許容スルカ又將來締約國ノ協定スル改正及變更ノミヲ受ク ルモノトス

尤モ合衆國人民ハ如何ナル時ニ於テモ最惠國人民又ハ臣民ノ支拂フモノ以外又ハ其レヨリ多額ノ稅ヲ支拂ハサルモノトス右ニ對シ支那國臣民ハ如何ナル時ニ於テモ最惠國人民又ハ臣民ノ支拂フモノヨリ多額ノ稅ヲ其ノ合衆國ヘノ輸入品ニ對シ支拂ハサルモノトス

第六條　保稅倉庫

支那國政府ハ保稅倉庫トシテ支那國相當官憲ノ承認シタル倉庫ヲ合衆國人民ガ正當ナル貨物ノ庫入、再包裝又ハ船積準備ノ爲若干ノ支那國開港場ニ設置スルコトニ同意ス但シ支那國政府ノ相當官憲ガ支那國歲入保護ノ爲隨次制定スル必要ナル取締規則（商品、稅關ヨリノ距離及取扱時間ニ準シ徵收セラルル相當料金表ヲ含ム）ニ從フベキモノトス

第七條　採鑛規則ノ改正及採鑛事業ノ奬勵

支那國政府ハ其ノ鑛物資源ヲ開發スルハ國ノ爲利益ナルコト及採鑛企業ノ投資ニ外國竝支那國資本ヲ誘引スルハ望マシキコトナルヲ認メ本條約

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調印以後一年内ニ現行採鑛規則ノ改正ヲ發議シテ右改正ヲ約定スルコト
ニ同意ス右ノ目的ノ爲支那國ハ出來得ル限リ迅速ニ且熱心ニ採鑛規則問
題全般ニ亘リテ審議シ及合衆國竝其ノ他ノ諸國ノ規則中ヨリ支那國ニ適
用セラルヘキモノト思惟セラルル規則ヲ採擇シ以テ支那國臣民ノ利益ヲ
促進シ且何等支那國ノ主權ヲ侵害セサル一方ニ於テ外國資本ノ誘引ニ付
決シテ障礙ヲ與ヘス又外國資本家ニ對シ該資本家カ一般的ニ承認セラレ
タル外國規則ノ適用ヲ受クヘキ場合ヨリモ一層大ナル不利益ヲ蒙ラシメ
ス且合衆國人民カ改正新規則及支那國カ自國臣民且外國人ニ對シ鑛山ノ
採掘鑛區ノ賃借竝鑛山使用料ノ支拂ニ關シテ課スル條件竝右外國資本家カ
特許ノ出願ヲ爲ス場合採鑛事業ニ關シテ必要ナル事務ニ付遵守スヘキ特
許規定ニ從フコトヲ條件トシテ支那國領土ニ於テ採鑛事業及其ノ他該事
業關係ノ必要事務ヲ行フコトヲ得ル樣現行採鑛規則ヲ改正スルモノトス
右ノ採鑛事業ニ關係スル合衆國人民ノ居住ハ合衆國及支那國間ニ約定セ
ラルル規則ニ從フモノトス
右ノ新規則公布後許與セラルル一切ノ採鑛利權ハ該新規則ノ規定ニ從フ

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モノトス

第八條　稅金拂戻證書

稅金拂戻ニ對スル拂戻證書ハ該證書下附申請許可證ヲ帝國海關ニ提出後三週間内ニ該海關ヨリ合衆國人民ニ對シ之ヲ發給ス且右證書ハ額面價格ヲ以テ發給港ニ於ケル一切ノ積荷ノ稅（噸稅ヲ除ク）ノ支拂ノ用ニ供セラルヘク又ハ輸入ノ日ヨリ三年内ニ再輸出セラレタル外國貨物ニ對スル稅金拂戻ノ場合ニハ該證書所持人ノ任意ニ依リ帝國海關ハ發給港ニ於テ其ノ額面價格ヲ現金ヲ以テ償還スルモノトス但シ拂戻證書申請ニ關シ海關官憲ガ歲入詐取ノ企業ヲ發見スル場合ニハ申請書ハ天津條約第二十一條所定ノ歲入詐取ノ發覺ノ場合ニ關スル規定ニ從ヒテ之ヲ處罰スルモノトス貨物ガ支那國領土ヨリ撤去セラレタル場合ニハ領事ハ支那國政府ニ支拂フヘキ相當罰金ヲ犯罪當事者ニ對シ課スルモノトス

第九條　商標ノ保護

合衆國政府ハ何レノ國ト雖モ正當ナル商標ノ專用ニ付條約ニ依リ合衆國人民ヲ保護スルコトニ同意スル場合ニハ合衆國内ニ於テ該國ノ人民ニ對

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シ同樣ノ保護ヲ與フコトヲ約スルカ故ニ

玆ニ支那國政府ハ其ノ臣民ニ對スル合衆國内ニ於ケル右ノ保護ヲ確保スル爲一切ノ正當ナル商標ニシテ合衆國ノ人民、商館若ハ會社カ合衆國内ニ於テ其ノ專用ノ權利ヲ有スルカ又ハ支那帝國内ニ於ケル專用ノ爲採用シ且便用シタルカ若ハ登錄後直ニ採用且便用セムトシタルモノノ支那帝國内ニ於ケル專用ニ付合衆國ノ一切ノ人民、商館若ハ會社ヲ充分保護スルコトニ同意ス右ノ目的ノ爲支那國政府ハ合衆國人民ノ商標ニシテ合衆國相當官憲カ支那國政府ノ設置スヘキ登錄事務所ニ於テ支那國官憲ノ相當審査ノ後相當料金ヲ支拂ヒ且相當取締規則ニ從ヒテ登錄シタルモノノ支那國一切ノ臣民ニ依ル侵害、模造、色彩ノ模倣又ハ模造詐欺ヲ禁止スル法律的效力ヲ有スル布令ヲ其ノ相當官憲ヲシテ發布セシムルコトニ同意ス

第十條　專賣特許ノ保護

合衆國政府ハ支那國臣民カ合衆國ニ於テ其ノ發明ノ專賣特許登錄ヲ爲スコトヲ許與シ且右專賣特許ノ使用及所有ニ付支那國臣民ヲ保護ス玆ニ支

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那國政府ハ自國ニ特許局ヲ設置スルコトニ同意ス右特許局ガ設置セラレ且發明ニ關スル特別法カ採用セラレタル後ハ特許局ハ支那國ニ於テ適法ニ販賣セラレ且支那國臣民ノ先ニ爲シタル發明ヲ侵害セサル商品ニ付合衆國カ合衆國人民ニ發給シタル一切ノ專賣特許證ニ對シ一定ノ年限有效ナル保護證明書ヲ支那國臣民ニ發給セラルル特許證ト同樣ノ樣式ヲ以テ規定料金徵收ノ上發給スルモノトス

第十一條　著作權保護

合衆國政府ハ內國人民ト均等ノ地歩ニ於テ著作權ニ關スル利益ヲ合衆國人民ニ與フル一切ノ他國ノ人民ニ對シ自國ノ著作權法ノ利益ヲ與フルコトヲ約スルカ故ニ

玆ニ支那國政府ハ自國臣民ニ對シ合衆國ニ於ケル右ノ保護ヲ確保スル爲支那國人民ノ使用及教育用トシテ特ニ作成セラレタル書籍、地圖、印刷物若ハ印畫又ハ一切ノ書籍ヲ支那語ニ翻譯シタル物ノ著者"圖案家若シクハ所有者タル一切ノ合衆國人民ニ對シテ同樣ノ方法及樣式ノ下ニ及支那國政府カ商標保護ニ同意スルニ付基キタル所ト同樣ノ條件ニ從ヒ登錄ノ日ヨリ十

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年間支那帝國內ニ於テ右ノ書籍、地圖、印刷物若ハ印畫又ハ翻譯物ヲ印刷シ及販賣スルノ獨占權ニ付充分ナル保護ヲ與フルコトニ同意ス前記ノ書籍地圖等ニシテ同一ノ形式ヲ以テ再版スルヲ得サルモノハ之ヲ除キ如何ナル著作物ト雖本條ノ下ニ於テハ著作權ノ特權ヲ與ヘラレサルモノトス支那國臣民ハ合衆國人民ノ書キタル書籍又ハ其ノ編輯シタル地圖ノ支那語譯ノ原文ヲ作成、印刷及販賣スルノ自由ヲ有スルモノトス」本條ハ支那國ノ安寧ヲ阻害スヘキ一切ノ出版物ノ著者、所有者又ハ販賣者タル合衆國人民又ハ支那國臣民ヲ正當ナル法律上ノ訴訟ニ對シ保護セサルモノトス

第十二條　內地水路ノ航行

支那國政府ハ千八百九十八年帝國ノ內地航行可能水路ヲ旅客及正當貨物ノ運輸ノ目的ノ爲特ニ登錄セアルヘキ內國又ハ外國ノ一切ノ　汽船ニ依ル通商ニ開キタルトコロ合衆國人民、商館及會社ハ一切ノ外國ノ臣民ニ對シテ許與セラレタルモノト均等ノ條件ニ於テ右ノ通商ニ從事スルコトヲ得

何レカ一方ノ締約國カ如何ナル時ニ於テモ右通商ニ關スル當時現行ノ法規ヲ變更シ又ハ修正スルコトヲ有利ナリト思惟スル場合ニハ支那國政府ハ支

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邦ノ通商及利益ノ爲必要ナリト思惟セラルル右改正ヲ友好ノ精神ヲ以テ考慮シ且採用スルコトニ同意ス

外國貿易ニ對スル奉天及安東縣ノ開市

支那國政府ハ本條約批准交換後盛京省内ノ奉天及安東縣ヲ國際的居住及貿易ノ場所トシテ開放スルコトニ同意ス國際的使用及專用ノ爲ニ特設セラルヘキ適當ナル地域ノ選定及外國人ノ居住並通商ノ爲特設セラレタル右地域ニ關スル諸規則ハ含衆國及支那國政府協議シテ之ヲ定ムルモノトス

第十三條　内國貨路側度ノ統一

支那國ハ帶國全土ニ於テ含衆國人民並支那國臣民カ一切ノ稅金及其ノ他ノ債務支拂ニ付法定貨路タルヘキ統一セラレタル内國貨路劃度ヲ設クル爲ニ必要ナル措置ヲ執ルコトニ同意ス尤モ一切ノ關稅ハ從來通リ海關兩ニ基キテ計算セラレ且支拂ハルルモノトス

第十四條　基督教　其ノ牧師並信徒ノ無差別待遇宣教師ノ權利義務

新教及羅馬教兩教會ノ說ク基督教ノ教理ハ人ニ善ヲ爲シ且他人ヲシテ我ニ爲サシメムト欲スルトコロヲ他人ニ爲スコトヲ教ヘルモノト之ヲ認ム右ノ

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教ユルモノト之ヲ認ム右ノ教理ヲ靜穩ニ說教スル者ハ其ノ信仰ノ故ヲ以テ困惑又ハ迫害セラレサルモノトス右ノ教義ニ從ヒ基督教ノ教理ヲ平穩ニ教ヘ且行フ者ハ合衆國人民タルト支那人ノ改宗者タルトヲ問ハス如何ナル場合ニ於テモ之カ爲メ迫害セラレ又ハ警迫セラレサルモノトス基督教會ニ加入セル支那人ニ對シテハ何等ノ制限ヲ課セサルモノトス支那國臣民タル者ハ改宗者及非改宗者一樣ニ支那國法律ニ從ヒ及其ノ共ニ平穩且親善ノ裡ニ生活スル監督者ニ對シ相當ノ敬禮ヲ拂ヒ及改宗者タルノ事實ハ該改宗者ヲシテ其ノ教會加入前犯シタルカ若ハ加入後犯スヘキ一切ノ加害行爲ノ結果ヨリ免レシムル樣保護シ又ハ其ノ信向ト異ル宗教的慣習及行事ノ維持ノ爲メ迫害セラルル稅及寄附金ハ之ヲ除キ一般的ニ支那國臣民ニ對シテ課セラルル法定ノ稅ノ支拂ヲ免除セシムルモノニ非ス宣教師ハ支那國臣民ニ對スル內國官憲ノ管轄權行使ニ干涉セサルヘク又內國官憲ハ改宗者及非改宗者間ニ何等ノ差別ヲ設ケスシテ兩者カ協同ニ平和ナル生活ヲ營ミ得ル樣公平ニ法律ヲ執行スヘキモノトス

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財産　傳道會社ノ購入シタル土地

合衆國傳道會社ハ該會社ノ財産トシテ傳道的目的ノ爲帝國内ノ一切ノ地方ニ於テ建物又ハ土地ノ賃借及永久借地ヲ爲シ且證書カ地方官憲ニ依リ正當ト認メラレテ正式ニ檢印セラレタル後其ノ事業ノ實行ノ爲必要カルヘキ適當ノ建物ノ建設ヲ爲スコトヲ得

第十五條　司法制度ノ改革　治外法權ノ徹廢

支那國政府ハ其ノ司法制度ヲ改革シ以テ泰西諸國ノ司法制度ト一致セシメントスルノ要望ヲ表明シタルトコロ合衆國ハ右ノ改革ニ一切ノ援助ヲ與フコトニ同意シ且又支那國法制狀態、其ノ執行組織及其ノ他ノ事項カ治外法權ノ徹廢ヲ現實ニ充分保障スル場合ニハ右治外法權ヲ徹廢スルノ覺悟アルモノトス

第十六條　「モルヒネ」輸入禁止

合衆國政府ハ支那國政府カ「モルヒネ」及其ノ注射器ノ支那國ヘノ輸入ヲ禁止スルコトニ同意ス但シ醫療ノ目的ノ爲關稅ヲ支拂ヒ且輸入ヲ右ノ目的ノ限度ニ有效ニ制限スヘキ支那國制定ノ取締規則ニ從ヒテ輸入セラ

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ル「モルヒネ」及其ノ注射器ハ之ヲ除クモノトス右ノ禁止ハ一切ノ國ヨリノ該輸入ニ一樣ニ適用セラルモノトス支那國政府ハ支那國ニ於ケル「モルヒネ」及其ノ注射器ノ製造ヲ禁遏スヘキ措置ヲ直ニ採用スルコトヲ約ス

第十七條　本條約所定ノ修正事項以外諸條約ノ效力存續

締約國ハ合衆國及支那國間ノ諸條約ノ一切ノ條項ニシテ西曆千九百年一月一日ニ於テ有效ナリシモノハ本條約又ハ合衆國カ一方ノ當事者タル其ノ他ノ諸條約ニ依リ修正セラルル限度ヲ除キ完全ニ其ノ效力ヲ存續スルモノトス、本條約ハ批准交換ノ日ヨリ起算シテ十年間及以下所定ノ通リ修正ノ行ハルル迄ハ其ノ效力ヲ存續スルモノトス

修　正

且又一方ノ締約國ハ本條約所定ノ關稅率及條項ハ本條約批准交換ノ日ヨリ起算シテ十年ノ終ニ於テ修正セラルヘキヲ要求スルコトヲ得ルモノトス　第一期ノ十年ノ終了前ニ修正ノ要求ナキ場合ニハ右條項ハ本條約所定ノ形式ノ儘第一期終了ノ日ヨリ起算シテ更ニ十年間及以下同樣ニ遂次

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十年間完全ニ效力ヲ存續スルモノトス

公文用語

本條約及其ノ三個ノ附屬書ノ英吉利語及支那語ノ原文ハ郵置ナル比較ヲ經タルモ其ノ間何等カ意義ノ相違アル場合ニハ英吉利文ノ意義ヲ以テ正當ナルモノトス

本條約及其ノ三個ノ附屬書ハ締約國ニ依リ各自國ノ憲法ニ從ヒテ批准セラルヘク且批准交換ハ本條約日附ヨリ十二月以內ニ華盛頓ニ於テ之ヲ行フモノトス

右證據トシテ下名ハ各自ノ全權ニ依リ英吉利語及支那語ノ本條約二通ニ署名調印ス

西曆千九百三年十月八日　光緒二十九年八月十八日　上海ニ於テ作成ス

エドウイン、エイチ、コンデヤー　印
ジョン、グードノー　印
ジョン、エフ、シーマン　印
呂海寰　印
盛宣懷　印
（以下省略　關稅章表）

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第一附屬書

合衆國人民ハ既ニ條約ニ依リ阿片ノ取引若ハ取扱ヲ禁止セラレタルカ故ニ本條約ニ於テハ阿片ニ對スル課稅ニ付何等言及セス

盤ノ取引ハ支那國ニ於ケル政府專賣ナルカ故ニ本條約ニ於テハ盤ニ對スル課稅ニ付何等言及セス

尤モ充分ナル討議及考究ノ結果阿片及盤ニ對スル內國稅ノ徵收竝右內國稅收入ヲ保護シ又右貨物ノ不正取引ヲ豫防スルノ手段ハ他ノ貨物ノ條番通過ニ關スル本條約第四條ノ規定ニ何等牴觸セサルヘキ方法ニ依リ支那國政府專ラ之ヲ處理スルモノナリト認メラレタリ

エドウイン、エイチ、コンヂヤー　印

ジヨン、グードノー　印

ジヨン、エフ、シーマン　印

呂海寰　印

盛宣懷　印

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第二附屬書

本日附ノ合衆國及支那國間ノ通商條約第四條ハ開港場ニ於ケル內國稅關存置ノ件ヲ規定ス右開港場ニ於ケル支那國政府ハ各開港場ニ於テ當該港所在ノ主タル內國稅關ヨリ相當ノ距離以內ニ帝國海關官憲カ當該港ノ輸出入貿易ヨリ生スル收入ヲ徵收スル爲必要ト認ムル派出內國稅關ヲ設置且維持スルノ權利ヲ有スルモノトス各開港場ニ於ケル右派出內國稅關及主タル內國稅關ハ千九百一年ノ議定書ニ規定セラレタル帝國海關之ヲ管轄スルモノトス

エドウイン、エイナ、コンデヤー　印

ジオン、グードノー　印

ジオン、エフ、シーマン　印

第三附屬書

本條約第五條ニ規定セラレタル本條約附屬ノ輸入貨物關稅率表ハ西曆千

呂　海　寰　印

盛　宣　懷　印

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九百二年九月七日ノ議定書ニ從ヒ支那國及各衆國ノ代表者間ニ協定セラレ且合衆國ヲ代表スル「ジオン、グードノー」及支那國ヲ代表スル呂海寰及盛宣懐兩閣下ニ依リ調印セラレタル關稅率表ナルコトヲ玆ニ相互ニ證明ス

エドウイン、エイチ、コンデヤー　印
ジオン、グードノー　印
ジオン、エフ、シーマン　印
呂海寰　印
盛宣懐　印

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LEF DOC # 218

C E R T I F I C A T E

Statement of Source and Authenticity

I, HAYASHI, Kaoru, Chief of the Archives Section, Japanese Foreign Office, hereby certify that the document hereto attached in Japanese consisting of 24 pages and entitled "Treaty for the Extension of the Commercial Relations between United States and China, October 8, 1903" is an exact and true copy of an official translation of the Japanese Foreign Office.

Certified at Tokyo,

on this 17th day of January 1947.

K. Hayashi
Signature of Official

Witness: Nakaharu Ono

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Ref

CONVENTION FOR THE LEASE OF THE
LIAOTUNG PENINSULA.

Signed at Peking March 27, 1898.

His Majesty the Emperor and Autocrat of all the Russias, and His Majesty the Emperor of China, being desirous of still further strengthening the friendly relations existing between the two Empires and mutually wishing to insure the means whereby to show reciprocal support, have appointed as their Plenipotentiaries, for the purpose of arriving at an agreement on this matter:

His Majesty the Emperor of Russia--M. Alexander Pavlow, Gentleman of the Court, and His Majesty's Chargé d'Affaires accredited to the Government of H.M. the Emperor of China;

His Majesty the Emperor of China --Count Li, Chancellor, Member of the Ministry of Foreign Affairs, and Senior Preceptor of the Heir to the Throne, and Chang, Assistant Minister of Finance, and Member of the Ministry of Foreign Affairs, with Ministerial rank.

The above-named Plenipotentiaries, furnished with due powers, have decided upon the following stipulations:

Art. I.--For the purpose of ensuring that the Russian naval forces shall possess an entirely secure base on the littoral of northern China, H.M. the Emperor of China agrees to place at the disposal of the Russian Government, on lease, the Ports Arthur (Liou-chounkow) and Ta-lien-wan, together with the water areas contiguous to these ports. This act of lease, however, in no way violates the sovereign rights of H.M. the Emperor of China to the above-mentioned territory.

Art. II.--The frontier of the territory leased on the above-specified basis, will extend northwards from the Bay of Ta-lien-wan for such

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distance as is necessary to secure the proper defence of this area on the land side. The precise line of demarcation and other details respecting the stipulations of the present Convention will be determined by a separate Protocol which shall be concluded at St. Petersburg with the dignitary Sion-tsin-ch'ong immediately after the signature of the present Convention. Upon the determination of this line of demarcation, the Russian Government will enter into complete and exclusive enjoyment of the whole area of the leased territory together with the water areas contiguous to it.

Art. III.--The term of the lease shall be twenty-five years from the date of the signature of the present agreement and may be prolonged subsequently by mutual consent of both Governments.

Art. IV.--During the above-specified period, on the territory leased by the Russian Government and its adjacent water area, the entire military command of the land and naval forces and equally the supreme civil administration will be entirely given over to the Russian authorities and will be concentrated in the hands of one person who however shall not have the title of Governor-General. No Chinese military land forces whatsoever will be allowed on the territory specified. Chinese inhabitants retain the right, as they may desire, either to remove beyond the limits of the territory leased by Russia or to remain within such limits without restriction on the part of the Russian authorities. In the event of a Chinese subject committing any crime within the limits of the leased territory, the offender will be handed over to the nearest Chinese authorities for trial and punishment in accordance with Chinese laws, as laid down in Article VIII of the Treaty of Peking of 1860.

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Art. V.--A neutral zone shall be established north of the above-specified frontier of the leased territory. The frontiers of this zone will be fixed by the dignitary Siou-tzin-ch'eng and the Ministry of Foreign Affairs in St. Petersburg. Within this specified neutral zone the civil administration will be entirely in the hands of the Chinese authorities; Chinese troops will be admitted within this zone only with the consent of Russian authorities.

Art. VI.--Both the Governments agree that Port Arthur, as an exclusively military (naval) port, shall be used solely by Russian and Chinese vessels and shall be considered as a closed port to war-ships and merchant vessels of other States. As regards Ta-lien-wan, this port, with the exception of one of the inner bays which, like Port Arthur, shall be set apart exclusively for the use of the Russian and Chinese fleets, shall be considered open to foreign commerce and free entry to it will be granted to the merchant vessels of all nations.

Art. VII.--The Russian Government takes upon itself at its own expense and with its own resources to erect all buildings necessary for its fleet and land forces on the area leased to it and especially in the ports Arthur and Ta-lien-wan, to erect fortifications, maintain garrisons in them and generally to take all necessary steps for the proper defence of the specified locality from hostile attack. Similarly the Russian Government binds itself at its own expense to erect and maintain light-house and other precautionary signs requisite for the security of navigation.

Art. VIII.--The Chinese Government agrees that the concessions granted by it in 1896 to the Chinese Eastern Railway Company, from the date of the signature of the present agreement shall be extended to the connecting branch which is to be built from one of the stations of the main line to Ta-lien-wan,

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and also, if deemed necessary, from the same main line to another more convenient point on the littoral of the Liaotung Peninsula between the town of Intzŭ and the estuary of the River Yalu. All the stipulations of the contract concluded by the Chinese Government with the Russo-Chinese Bank on August 27 (September 8), 1896, shall apply scrupulously to these supplementary branches. The direction and points through which the above-mentioned lines shall pass will be determined upon by the dignitary Siou-tzin-ch'ang and the administration of the Chinese Eastern Railway. Consent to the construction of the railway on the basis indicated shall never under any form serve as a pretext for the seizure of Chinese territory or for an encroachment on the sovereign rights of China.

Art. IX.--The present Convention shall come into force from the date of exchange of copies thereof by the Plenipotentiaries of the two States.

The exchange of ratifications will take place in St. Petersburg with the least possible delay.

In virtue of which the respective Plenipotentiaries of the two parties have signed and affixed their seals to two copies of the present Convention in the Russian and Chinese languages. Of the two texts which, upon comparison, have been found to be in agreement, the Russian text shall be that used for the interpretation of the Convention.

Done in duplicate at Peking, this 15th day of March (March 27), 1896, and by the Chinese calendar the 6th day of the 3rd moon of the 24th year of the reign of Kuang-Hsü

(Seal) (Signed) A. PAVLOF

(Seal) (Signed) LI.-CHANG

(Seal of the Tsung-li-yamen)

PURL: http://www.legal-tools.org/doc/420c9e/

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C E R T I F I C A T E

Statement of Source and Authenticity

I, HAYASHI, Kaoru, Chief of the Archives Section, Japanese Foreign Office, hereby certify that the document hereto attached in English consisting of 4 pages and entitled "Convention for the Lease of the Liaotung Peninsula, March 27, 1898." is an exact and true copy of an official translation of the Japanese Foreign Office.

Certified at Tokyo,

On this 17th day of January, 1947.

(Signed) K. Hayashi
Signature of Official

Witness : (Signed) Edgaharu Odo

PURL: http://www.legal-tools.org/doc/420c9e/

Ref

Doc. 220 (For the Defense)

Br. Ex. 133-A
Ct. Ex. 58

Defendants' Reques[illegible].

PRESS RELEAS[illegible] ISSUED BY THE J[illegible]PANESE EMBASSY
ON APRIL 15, 1940

On being questioned by newspapermen concerning Japan's position with regard to possible involvement of the Netherlands in the European war and its repercussions in the Netherlands East Indies, Foreign Minister Arita replied as follows:

"With the South Seas regions, especially the Netherlands East Indies, Japan is economically bound by an intimate relationship of mutuality in ministering to one another's needs. Similarly, other countries of East Asia maintain close economic relations with these regions. That is to say, Japan, these countries and these regions together are contributing to the prosperity of East Asia through mutual aid and interdependence.

"Should hostilities in Europe be extended to the Netherlands and produce repercussions, as you say, in the Netherlands East Indies, it would not only interfere with the maintenance and furtherance of the above-mentioned relations of economic interdependence and of co-existence and co-prosperity, but would also give rise to an undesirable situation from the standpoint of the peace and stability of East Asia. In view of these considerations, the Japanese Government can not but be deeply concerned over any development accompanying an aggravation of the war in Europe that may affect the status quo of the Netherlands East Indies."

Foreign Relations II, p. 281

PURL: http://www.legal-tools.org/doc/824724/

IPS
~~O~~ P. Doc No. 220 (For the Defence)
Br. Ex. 133-A
Ct. Ex. 58

書類第二二〇號（辯護側）
Br. Ex. 一三三－A
Ct. Ex. 五八

被告側ノ請求

一九四〇年四月十五日　日本大使館ニ依リテ發セラレタ

新聞ノ解禁

和蘭カ歐洲戰爭ニ捲キ込マルル可能性ト蘭領東印度ニ於テノ其ノ鄕音ニ關スル日本ノ態度ニ就イテ新聞記者カラ質問サレタノニ對シテ有田外相次ノ様ニ答辯シタ。

南洋地域特ニ蘭領東印度ト八日本八相互ニ必要ナ物資ヲ融通シテオリテ經濟的ニ相互的親密關係デ結バレテ居ル。同様ニ東亜ノ諸國ハ是等ノ地方ト密接ナ經濟的關係ヲ保持シテ居ル。即チ日本、是等諸國及是等諸地域ハ相互扶助及相互依存ニ依リテ共榮共存ノ關係ノ維持及增進ヲ妨ゲルノミナラズ又東亜ノ平和並ニ安寧ノ觀点ヨリシテ好マシカラザル事態ヲ惹起スルコトヲ希ウ。

歐洲ニ於ケル戰爭ガ和蘭マデ波及シテ諸君ノ言ヘル如ク蘭領東印度ニ及ボス重大ナル影響ヲ生ズル事ガアレバ上述ノ經濟依存及ビ共榮共存ノ關係ノ維持及增進ヲ妨ゲルノミナラズ又東亜ノ平和並ニ安寧ノ觀点ヨリシテ好マシカラザル事態ヲ惹起スルコトニナラウ。

此ノ様ナ見地カラシテ日本政府ハ歐洲戰爭ノ激化ニ伴フ蘭領東印度ノ現狀ニ影響ヲ與ヘルコトアルベキ如何ナル進展ニ關シテモ深イ關心ヲ有セザルヲ得ナイデアル。

外交關係　第三卷　二八一頁

Foreign Relations II, pp. 318-31

which are causing [illegible] the Netherlands East Indies abroad about the tr
result of the Netherlands, the almost daily reports from abroad about the
is well known, the encirclement campaign against Japan. I earnestly ho
ening of the Excellency will fully comprehend the disposal at issue e
that your Excellency will fully comprehend the disposal at issue e
being necessitated by since the maintenance of the peac
In the Pacific and cooperate in keeping the door open for my hope
and further efforts directed toward amicable solution of Japanese-
American relations.

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PURL: http://www.legal-tools.org/doc/824744/

~~Ex. 1350~~

P. 25 323

Doc.220 (For the Defense)
Br. Ex. 145-A
Ct. Ex. 58

not used

Defendants' Excerpts.

THE JAPANESE MINISTER FOR FOREIGN AFFAIRS (TOYODA)
TO THE AMERICAN AMBASSADOR IN JAPAN (GREW)

(TOKYO,) JULY 25, 1941.

Between the Japanese Government and the Vichy Government there was amicably reached an agreement of views on the twenty-first of July, 1941, concerning the joint protection of French Indochina, and an announcement on the agreement is soon to be made.

I asked for an appointment with Your Excellency this evening in order to take this opportunity, on behalf of the Japanese Government of informing Your Excellency in advance of the measure just referred to, and of making the situation clear so that there may be no unnecessary misunderstanding which may arise from this question, in view of the foreign press reporting unfounded rumors such as that the Japanese Government had sent the Vichy Government an ultimatum.

The relations between Japan and French Indochina have recently become more friendly by the so-called Matsuoka-Henri Pact of August, last year, and several other Franco-Japanese agreements; and in view of the fact that it is to the common interest of both Japan and France to insure the safety of French Indochina and to prevent the disturbance of peace in the same area under the existing complicated international situation, the Japanese and French Governments have, at this time, as already stated, arrived at an understanding as regards joint protection of French Indochina.

• • • • •

As a matter of fact, we are receiving numerous reports that America should adopt more stringent anti-Japanese economic measures such as the freezing of Japanese capital in America and a complete embargo of petroleum oil as retaliatory steps against the measure just mentioned; and if the above should ever be realized, I deeply apprehend that it will be difficult to prevent the unexpected agitation of antagonism among the Japanese people against aid to the Chiang Kai-shek regime and the encirclement campaign against Japan which antagonism the government has so carefully repressed until today.

It seems that in the United States there is an element which possesses an unpleasant feeling against the measure which I have just mentioned, but viewing it in a fair and composed attitude from an objective standpoint, such a measure is truly unavoidable from a broad viewpoint of maintaining peace in the Pacific by preventing a more serious aggravation of the feelings of the Japanese people, which are steadily being excited by such facts as the unsatisfactory result of the Netherlands East Indies-Japanese negotiations, and as is well known, the almost daily reports from abroad about the tightening of the encirclement campaign against Japan. I earnestly hope that Your Excellency will fully comprehend the disposal at issue as being necessitated by sincere hope for the maintenance of the peace in the Pacific and cooperate in keeping the door open for my hope and further efforts directed toward amicable solution of Japanese-American relations.

Foreign Relations II, pp. 318-31

PURL: http://www.legal-tools.org/doc/824724/

Doc. No. 220
Def. 146-A
Br 58
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Ex

No. 2

実際、我々ハ米国ガ該方策ニ対スル報復手段トシテ在米日本資本ノ凍結及ビ石油ノ完全輸出禁止ノ如キ更ニ厳重ナル反日経済策ヲ採ルデアラウト幾多ノ報道ヲ受ケテヰル、而シテ万一ニモ前記ノコトガ実現サレルニ於テハ、政府ガ今日迄斯クモ損害ニ拘リ乍ラ将又石政権援助及ビ対日包囲工作ニ対スル日本国民ノ敵愾心ノ勃興ヲ期セザル激発ヲ防止スルハ困難ナルベシト余ハ深ク憂慮スルモノデアル。

合衆国ニハ余ガ今述ベタ方策ニ対シ不快ノ感ヲ抱ク一部人士ガ存スルヤニ見受ケラレルモ之ヲ公平ニシテ平静ナル態度ニテ客観的立場カラ見レバ日蘭印会商ノ不満足ナル結果将又周知ノ如ク対日包囲工作強化ニ関スル殆ンド連日ノ外国報道ノ如キ事実ニ依リテ絶エズ刺戟サレツヽアル日本国民ノ感情ノ一層強烈ナ激発ヲ防止シ以テ太平洋ノ平和ヲ維持スルト云フ唐木観点ヨリシテ斯ル方策ハ真ニ不可避ノモノデアル。

余ハ閣下ガ本該處置ヲ太平洋ノ平和維持ニ対スル真摯ナル希望ノ伊然的結果トリト充分了解セラレ且又日米間ノ友好的解決ニ対スル余ノ希望及ビ爾後ノ努力ニ関スル余ノ方針ヲ了解セラレンコトヲ切望スルモノデアル。

外交関係一一、三八一―三一頁

I.P.S.
~~Def.~~ Doc. No. 220 (For the Def.)
Br. EX 146-A
Ct. Ex 58

書類二二〇（弁護側提出）
Br. Ex. 一四六-A
Ct. Ex. 五八
被告側抜萃

not used

No. 1

日本国駐米国大使（グルー）宛 日本外務大臣（豊田）発
昭和十六年
（東京）（一九四一年）七月二十五日

佛印提同防衛ニ関シテハ一九四一年七月二十一日、日本政府ノ「ヴィシー」政府間ニ於テ友好的ニ見解ノ一致ニ達シ右協定ノ声明、近ク行ハルル筈デアル。

余ガ本夕閣下ニ會見ヲ申込ミタルハ本機會ニ日本政府ノ代表シテ今言及セン方策ヲ豫メ閣下ニ通告シ日本政府ガ「ヴィシー」政府ニ最後通牒ヲ送付セリト云ツガ如キ根モナキ流言ヲ報ズル外国新聞ガアルニ鑑ミ、本問題カラ生ジ得ベキ不必要ナル誤解ヲナカラシム様、事情ヲ明瞭ナラシムタメデアル。

日、佛印関係ハ昨年八月ノ所謂「アンリ」協約其ノ他若干ノ佛日協定ニ依リテ最近一層友好的トナツタ。帝シテ現下ノ複雑ナル国際情勢ニ於テ佛印ノ安全ヲ確保シ同地域ノ平和擾乱ヲ防止スルコトハ日佛両国並ニ通ノ利益デアルト云ツ事実ニ鑑ミ日本政府及ビ佛国政府ハ此ノ度既述ノ如ク佛印提同防衛ニ関シテ了解ニ到達シタモノデアル。

RECEIVED
31 1947

PURL: http://www.legal-tools.org/doc/824724/

No. 2

Doc. No. 220
Def. 146-A
Br
Ca 58
Ex

実際、我々ハ米国ガ該方策ニ対スル報復手段トシテ在米日本資本ノ凍結及ビ石油ノ完全輸出禁止ノ如キ更ニ厳重ナル反日経済策ヲ採ルデアラウト幾多ノ報道ヲ受ケテヰル、而シテ一方一ニモ前記ノコトガ実現サレルニ於テハ、政府ガ今日迄斯クモ積重ニ抑制シ来リタル世論ヲ如何ニ対日包囲工作ニ対スル日本国民ノ敵愾心ノ予期セザル激発ヲ防止スルハ困難ナルベシトノ深ノ憂慮スルモノデアル。

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外交関係一　三一八―三一頁

128 Copies Rejected

DEF DOC # 221 not used

AN EXPLANATION OF THE FOREIGN MINISTER, MR. HACHIRO ARITA, MADE BEFORE THE DIET ON FEBRUARY 6 REGARDING THE ASAMA MARU INCIDENT.

February 6, 1940.

On February 1, in a supplementary remark to my address on Japan's foreign policy, I gave an outline of our negotiations with the British Government concerning the Asama Maru case. Since then we carried on in earnest our negotiations with a view to effecting a speedy settlement of the case. As a result, although we have not yet arrived at a complete settlement, we have reached an important stage in that direction. I desire to avail myself of this occasion to report on the progress so far achieved.

As I have already stated, the reply of the British Government to our protest of January 22 was transmitted to us through Ambassador Craigie in Tokyo under the date of January 27. In their note the British Government expressed their great regret at the occurrence of the incident so near our capital which aroused such profound indignation of our nation, and at the same time dwelt at length on their legal opinions of the case.

To this British note we replied under date of February 1 that we took note with pleasure that the British Government, giving serious consideration to the fact that the incident had aroused public feeling in Japan, expressed their regret. At the same time we made a detailed refutation of the British views from the legal standpoint, and requested for the return of the twenty-one Germans taken out of the Asama Maru, because we could not but arrive at the conclusion that the action of the British man-of-war was illegal under international law.

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As regards the divergence of views between the two Governments, all its details will be made available in the official notes to be published this afternoon. However, to give a resume of the matter, the British Government places an interpretation of their own on Article 47 of the Declaration of London, stipulating the category of enemy nationals who may be removed from a neutral ship engaged in peaceful navigation on the high seas, and, moreover, they contend that the said Declaration of London has no binding authority whatever, as it has not been ratified by the signatory Powers. The practice to remove enemy nationals from a neutral ship engaged in peaceful navigation is, the British Government claim, an established principle in international law. But according to the views of the Japanese Government, it is clear from the related documents concerning the Declaration of London that Article 47 should not be construed as it is interpreted by the British Government. Again, although the said Declaration has not been ratified it is considered as constituting rational adjustments and compromises between various principles regarding naval warfare, and it has been incorporated in the internal laws of many countries. In the light of this fact we believe that the Declaration of London should be regarded to serve as a criterion in the Law of Nations. Furthermore, if we were to assume that the Declaration is totally invalid as is contended by the British Government, the alternative would rather be that we should observe the general principle that no enemy nationals shall be taken out of a neutral ship engaged in peaceful navigation on the high seas. In brief, the British views have no foundation either in academic doctrines or in precedents for convincing us of their validity.

The Japanese Government maintain resolutely the above-stated views from the legal standpoint. But apart from the legalistic arguments,

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our Government, with a view to facilitating an early settlement of the case form political considerations, urged upon the British Government more than once the importance to the Anglo-Japanese relations of the release by the British of the German in their hands as soon as possible. We asked the British Government for sincere reconsideration and endeavoured to achieve our objective. As a result, the British Government in a note under date of February 5 communicated to us that they could not alter their views but as an earnest desire of the British Government to settle the case amicably, they were prepared, while reserving all their legal rights concerning the case, to deliver to the propor Japanese authorities at such a time and place as may be agreed upon hereafter nine of the Germans in retention on the grounds that investigations as to their training and antecedents have disclosed the fact that some are relatively unsuitable for military service than others.

The Japanese Government appreciate the desire of the British Government to effect a speedy and amicable settlement of the case. However, the number of men to be returned being only a portion of those demanded by us we are by no means satisfied. Therefore, although we intend to take over the said nine men, it is our intention to continue in accordance witho our above-mentioned views to insist upon the delivery by the British Government of the rest of the Germans in retention.

As for the future the Government have dicided, in order to eliminate uneasiness on the part of Japanese vessels in navigation hereafter, to issue instructions to various Japanese shipping companies not to allow the persons who are embodied in the armed forces of the belligerent Powers (including those who are suspected as such) to

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take passage on board their vessels, and the necessary steps therefor have been called to the measures above stated. The circumstances being such, it is my firm belief that in the future the occurrence of an incident similar to that of the Asama Maru will be prevented.

PURL: http://www.legal-tools.org/doc/081956/

LIF DOC # 221

C.E R T I F I C A T E

Statement of Source and Authenticity

I, HAYASHI, Kaoru, Chief of the Archives Section, Japanese Foreign Office, hereby certify that the document hereto attached in English consisting of 3 pages and entitled "An Explanation of the Foreign Minister, Mr. Hachiro Arita, made before the Diet on February 6, 1940 regarding the Asama Maru Incident." is an exact and true copy of an official document of the Japanese Foreign Office.

Certified at Tokyo

on this 14th day of January 1947.

K. Hayashi
Signature of Official

Witness : T. Sato

PURL: http://www.legal-tools.org/doc/081956/

not used

LLF DOC # 221

濱口丸事件ニ關スル有田外務大臣ノ議會ニ於ケル說明

（昭和十五年二月六日）

濱口丸ニ關シマシテハ去ル一日ノ外交演說ニ附加致シマシテ英國側トノ交涉經緯ノ概要ヲ說明致シテ置イタノデアリマスカ其ノ後政府ハ本件ノ把握ナル解決ヲ計ル目的ヲ以テ誠意英國側ト交涉ヲ續ケテ參リマシタ結果愈〻的確ト申シ得ル點ニハ行カナイノデアリマスガ解決上重要ナル一段階ニ到達スルコトガ出來マシタノデ此ノ機會ニ於テ一應御報告申上ケタイト存シマス。

即チ申上マシタ通リ英國政府ハ一月二十七日在京「クレーギー」大使ヲ通ジ一月二十二日ノ我方抗議ニ對シテ回答ヲ寄セテ參ツタノデアリマスカ右回答ニ於テ英國政府ハ今次ノ如キ事件カ帝國ノ首都附近ニ於テ發生シ日本國民ノ感情ヲ激發セル點ニ付深甚ノ遺憾ノ意ヲ表示シテ參リマシタ尙ホ之ト共ニ其ノ法律上ノ見解ヲ述ベテ參ツタノデアリマス。

右英國側回答ニ對シ帝國政府ニ於テハ二月一日附公文ヲ以テ

PURL: http://www.legal-tools.org/doc/081956/

DEF DOC # 221

先ツ英国政府カ本件カ我国輿論ヲ刺激致シマシタコトニ鑑シ特ニ慎重ナル考慮ヲ拂ヒ右回答公文ニ於テ遺憾ノ意思ヲ表明シテ参ツタコトヲ了承致シマスルト共ニ前述英国側ノ法律上ノ見解ニ賛シ詳細之ヲ諒察シ帝国政府ハ本件機関丸事件ニ於ケル英国当局ノ行動ハ国際法上適法ナラストノ結論ニ到達セサルヲ得サルヲ以テ機関丸ヨリ拉致セラレタル猶人二十一名ノ引渡ヲ要求スル旨申述ツタノデアリマス。

本件ニ関スル法律上ノ見解ノ相異ニ付テハ本日午後ニモ公表スル筈ノ日英両国公文ニ就テ詳細御承知ヲ願ヒ度イノデアリマスガ、要旨ヲ申上ケマスト、英国側ニ於テハ公海ニ於テ平和的航海ニ従事シテ居ル中立船舶ヨリ拉致シ得ル敵国人ノ範圍ニ付テ規定シテ居リマスル倫敦宣言第四十七條ニ獨特ノ解釋ヲ加ヘ且右倫敦宣言ハ調印国ニ依ツテ批准セラレ居ラサルニ依リ何等ノ拘束力ナキモノデアルトシ而シテ平和的航海ニ従事スル中立国船舶ヨリ敵国人ヲ拉致スル慣行ハ国際法上確立セラレタル原則デアルト主張シテ居ルノデアリマス。然シ乍ラ帝国政府ノ見解ニ依リマスト倫敦宣言第四十七條ハ英国側見解ノ如クニ解スヘキモノデナイコト

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當時ノ關係書類ニ依テ明カテアリ又倫敦宣言ハ批准セラレ居ラスト雖モ同宣言ヲ海戰ニ關スル諸主義ノ合理的ナル調整及妥協ヲ組成スルモノト認メラレ多數ノ國ニ於テ其ノ國內法ヲ以テ之ニ遵依シテ居ル事實ニ鑑ミ國際法上ノ準則タルヘキモノト思ソノテアリマス。更ニ若シ英側主張ノ如ク同宣言ヲ全然無效テアルトスルナラハ露口公海ニ於テ平和的航行ニ從事スル中立船舶ヨリ敵國人ヲ拉致シ得ストスル一般原則ニ從ハナクレハナラナイコトトナルノテアリマス。要スルニ英側ノ見解ハ之ヲ舉說先例ニ照シテ見ルモ何等我方ヲ承服セシメルカナイト云フノテアリマシテ政府ハ飽迄右ノ如キ我方ノ法律上ノ見解ヲ堅持スルモノテアリマスカ右法律上ノ議論ト併行致シマシテ政治的見地ヨリ迅速ナル解決ヲ促進セントノ考ヘ英側カ此ノ際速ニ抑留猶逸人ノ引渡シニ應スルコトカ日英ノ大局上緊要ナル旨ヲ東京及倫敦ニ於テ極度ニ亘リ力說シ、英側ノ誠意アル反省ヲ求メ銳意目的ノ貫徹ニ努メマシタ。其ノ結果英側ニ於テモ其ノ見解ハ之ヲ枉クルコトヲ得ナイカ、抑留猶逸人ニ對シテハ香港到着以來ソノ訓練及經歷ヲ調査シタ所右ノ中或者ハ比較的軍務

PURL: http://www.legal-tools.org/doc/081956/

ニ過ヤサルモノナルコト判明シタリトノ理由ヲ以テ本件ニ関スル法律上ノ権利ハ之ヲ一切留保スルモ本件ヲ国内ニ解決センコトスル英国政府ノ意図ニ対シ九名ヲ引渡スヘク、右逃人ハ追テ協定セラルヘキ時期及場所ニ於テ適当ナル帝国官憲ニ引渡ス用意アル旨ヲ二月五日附公文ヲ以テ通告シテ来リマシタ。

帝国政府ニ於テモ本件ノ処置ハ本件ノ犯罪ガ帝国ノ領土ニ於テ行ハレタルモノナリマスカ前記引渡員数ハ帝国政府ノ要求スル一部分ニ過キマセヌカ故到底之ニ満足スルヲ得ナイノデアリマス、依ツテ右九名ハ之レヲ引渡ス可キモノニアラスシテ帝国ニ於テ処分スヘキ者ト認メマスカ、前述我見解ニ基キ今後共残余ノ逃人ノ引渡方ヲ主張シ続ケンスルモノデアリマス、尚将来ニ関シマシテハ政府ハ今後日本船舶ガ行ト、ノ不安ヲ除去スルニ資セン為、今般本邦各船会社ニ対シ一般ニ交付ノ官憲ニ編入セラレ居ル者（其ノ疑アル者ヲ含ム）ヲ本邦船ヘ乗船セシメサル様指令ヲ発スルコトトシ右措置ニ付テハ英国ノ注意ヲ喚起シテ置イタノデアリマス。右様ノ

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次第テ時來ニ於テハ機關丸類似ノ事件ノ發生ハ之テ避ケ得ルモノト確信スルモノテアリマス。

以上ヲ以テ機關丸事件ニ關スル經過報告ヲ終リマス。

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DEF DOC # 221

次第デ将来ニ於テハ満州丸類似ノ事件ノ発生ハ之ヲ避ケ得ルモノト確信スルモノデアリマス。

以上ヲ以テ満州丸事件ニ関スル経過報告ヲ終リマス。

PURL: http://www.legal-tools.org/doc/081956/

IMTF DOC # 821

C E R T I F I C A T E

Statement of Source and Authenticity

I, HAYASHI, Kaoru, Chief of the Archives Section, Japanese Foreign Office, hereby certify that the document hereto attached in Japanese consisting of 5 pages and entitled "An Explanation of the Foreign Minister, Mr. Hachiro Arita, made before the Diet on February 6, 1940 regarding the Asama Maru Incident." is an exact and true copy of an official document of the Japanese Foreign Office.

Certified at Tokyo,

on this 14th day of January 1947.

K. Hayashi &
Signature of Official

Witness : T. Sato

PURL: http://www.legal-tools.org/doc/081956/

not used

Def. Doc. # 224

ARTICLE FROM THE JAPAN CHRONICLE

THE SINO-KOREAN TROUBLE July 5, 1931
CHINESE MOB EXPECTED TO MAKE MOONLIGHT ATTACK. INCENSED BY JAPANESE. RENGO TO CHRONICLE. CHANCHUNG, JULY 3.

Taking advantages of the moonlight, the Chinese mobs who are incensed at the arrival of a Japanese machine-gun squad are likely to make a raid on the Koreans at Wanpaoshan tonight.

Every precaution has been taken by the Japanese authorities, who have arranged to maintain communications with the policemen at Wanpaoshan through mounted orderlies, at seven tonight Mr. Kuramoto of the Japanese Consulate left for Wanpaoshan on horseback with a mounted officer. They are expected to return by midnight.

CHINESE OFFICIAL ATTITUDE.

Nanking, July 3.

Mr. Wang Chia-cheng, Vice Minister of Foreign Affairs, gave an interview to Japanese newspapermen today on the collision between Chinese and Koreans at Wangpaoshan, 15 miles north west of Changshun. He said the government would take action upon the receipt of and official report on the case, declaring that it is unwarrantable for Japanese policemen to fire shots in Chinese territory.

Talking of the foreign concessions question, he intimated that a memorandum containing a general demand for the return of concessions and settlements had been drafted and would be sent to the powers concerned at an appropriate time.

Dr. Wang, the Foreign Minister, is scheduled to visit Tsingtao by the end of this month to attend a meeting of the board of the Shantung Railway. After visiting Wei-hai-wei he will proceed to Peitaiho, a summer resort where he will meet foreign diplomats in connection with the extrality and foreign concessions problems.

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not used

EF DOC # 288

Translated by Defense Language Branch

The Manual of Wartime International Law and Regulations

May, the 12th year of Showa (1937)

The Navy Minister's Secretariat

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9) The Navy Regulations for treatment of prisoners of war tification No. 33 issued on Feb 17, the 37th year of Meiji (1904) The regulations for treatment of prisoners of war are laid down as follows:

Regulations for treatment of prisoners of war

ARTICLE I When enemy combatants or those who are to be treated as prisoners of war according to the treaties or customs are captured, their personal belongings should be examined immediately,

ARTICLE II. Among their personal belongings, arms, ammunition and other articles which may be used for military purposes should be confiscated and all other things be specially placed in custody or kept by owners, whichever is convenient.

In the case of those prisoners of war permitted to retain their swords the navy commander may allow them to wear their swords. In this case their names and the reason for such action will be reported to the navy minister.

Those swords allowed to be worn under the foregoing clause, should be placed in custody in the detention camp.

ARTICLE III. When the procedures mentioned in the foregoing two articles are completed, each prisoner shall be questioned as to his name, age, position, rank, domicile, the ship and the government of the country to which he belongs, and the date

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nnd the place that he was wounded in order to make a roster of prisoners and a diary of prisoners. Also a list of properties confiscated or placed in custody shall be made.

ARTICLE IV Prisoners shall be divided into officers or those offic ranking with them, petty officers and men for the purpose of giving them treatment proper to their positions and ranks except those who do not answer honestly to the questions asked as to their names and ranks, or those who violated other regulations.

ARTICLE V. If prisoners act disobediently, imprisonment, physical restriction, and other necessary steps may be taken, and in case prisoners try to escape, they may be prevented by force of arms as the case may be.

ARTICIE V, CLAUSE 2 If prisoners try to escape or act against order and discipline, they may be punished.

The foregoing punishments shall be carried out according to the Navy Punishment Regulations stipulated under ARTICLES XXIII-XXIV and XXXI-XXXVI. The punishment of prisoners shall be carried out by the chief of the naval office which actually interns them.

ARTICLE VI. A navy commander shall deliver prisoners to a navy yard or a navy station, with a roster of prisoners, a diary relating to the prisoners, a list of personal belongings placed in custody, al list of their properties. However, he may deliver them to any othe naval office as a matter of expedience under unavoidable circumstance

If the prisoners die before delivery is completed, their personal property, their roster and all other documents and

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rticles shall be delivered.

RTICLE VI CLAUSE 2 The naval office which has received prisoners, cuments or other matters relating to them may transfer them to Navy yard or a Navy station as the case may be.

ICLE VII A navy commander, if he deems it necessary, may fer with an army unit, a commissariat, or a transport and mmunication office, and deliver to it the prisoners they ntured with a roster of prisoners, a diary relating to them, eir personal belongings placed in custody and a list of their operties. In this case the prisoners will be divided into officers d those ranking with them, and, petty officers and men. The mber of prisoners delivered should at once be reported to the avy Minister.

RTICLE VIII. When a Commander of a Navy yard, a Commander of a aval station, or a chief of any other naval office receives or as them transferred, he shall divide the prisoners into officers nd those ranking with them, and petty officers and men, and eir number will be reported to the Navy Minister at the earliest convenience. In case the Navy Minister should receive the report entioned in the foregoing clause, he shall appoint the place and the date on which the prisoners are to be delivered to the army officers in charge.

RTICLE IX When prisoners are delivered to a Navy yard, a Navy ation, or any other naval office, they will be temporarily interned in a building substantial enough to prevent their escape till they are be transported or delivered.

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ARTICLE X The place in which prisoners are interned shall be supervised by keepers under the direction of naval officers.

ARTICLE XI If prisoners apply to buy articles of their liking or other commodities at their our expense, they shall be afforded due facility provided that the supervisor finds no difficulty in doing so.

ARTICLE XI CLAUSE 2 If prisoners are allowed an interview, sufficient restriction shall be given as to the place and time of the meeting and a guard shall attend.

ARTICLE XII Telegrams and mail sent and received by prisoners will be censored beforehand by supervising officers. If no difficulty is occasioned, this may be permitted. In case any secret code is used or there is any suspicion, they shall be forbidden to be sent or be confiscated.

ARTICLE XIII Mail sent and received by prisoners is privileged to be exempt from, postage dues according to the treaties.

Any naval office which receives prisoners shall confer with a local post office so as to make necessary arrangements.

ARTICLE XIII CLAUSE 2 When the sick and wounded prisoners are placed under the medical care of a navy hospital or any other infirmary, a list of prisoner-patients shall be made in accordance with the list form given in appendix.

ARTICLE XIII CLAUSE 3 The funerals of prisoners shall be observed with cermonies in due consideration of their positions and ranks.

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ARTICLE XIV The testaments of prisoners shall be dealt with the same care as is paid to those of the men of our Imperial Navy.

ARTICLE CLAUSE 2 Prisoner's personal properties and testaments shall be sent to the Prisoners' Intelligence Bureau from the authorities who had them delivered and transferred in accordance with ARTICLE VI and ARTICLE VI CLAUSE 2. In case there are any perishable things among the personal properties, they shall be sold and the proceeds be remitted. When the articles stated in the foregoing clause have been sent, a report shall be made to the Navy Minister.

ARTICLE XV A commander in-chief of a Naval yard, a commander of a naval station and chiefs of other naval offices shall deliver prisoners with a roster of them, a diary relating to them, articles placed in custody, a list of properties and all other documents, to army officers in charge of prisoners at an appointed place.

(The lists given in appendix are omitted.)

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Translation Certificate

I, William E. Clarke, of the Defense Language Branch, hereby certify that the foregoing translation described in the above certificate is, to the best of my knowledge and belief, a correct translation and is as near as possible to the meaning of the original document.

(signed) William E. Clarke
/s/ William E. Clarke

Tokyo, Japan
Date 13 Jan. 1947

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DEF DOC # 228

昭和十二年五月

戰時國際法規關係

前略

（三十九）海軍俘虜取扱規程

明治三十七年二月十七日
達第三十三號

海軍大臣官房

俘虜取扱規則左ノ通リ定ム

俘虜取扱規則

第一條　敵國交戰者及條約又ハ慣例ニ依リ俘虜ノ取扱ヲ受クヘキ者ヲ捕ヘタルトキハ直ニ其携帶品ヲ檢查スヘシ

第二條　俘虜ノ携帶品中兵器軍需其ノ他軍用ニ供セラルヘキ物件ハ之ヲ沒收シ其ノ他ノ物件ハ俘虜ニ之ヲ保管スルカ又ハ便宜本人ヲシテ之ヲ携帶セシムヘシ

俘虜中將校ニシテ他ニ其名誉ヲ毀傷スル必要アル者ニ限リ海軍指揮官ハ本人所有ノ刀劍ヲ佩用セシムルコトヲ得此場合ニ於テハ其氏名及ヒ事由ヲ海軍大臣ニ報告スヘシ

前項ニ依リ佩用ヲ許シタル刀劍ハ俘虜收容所ニ於テハ領置スヘキモノトス

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第三條　前二條ノ手續ヲ終リタルトキハ俘虜ノ氏名、年齢、身分、階級、本籍地、本國所屬ノ艦船官廳及負傷ノ年月日場所ヲ專屬シ俘虜名簿俘虜日誌ヲ調製シ且沒收若ハ領置シタル物品目錄ヲ調製スヘシ

第四條　俘虜ハ之ヲ將校同相當官及下士卒ニ區別シ其ノ身分階級ニ應シ相當ノ待遇ヲ爲スヘキモノトス但シ其ノ氏名及階級ノ尋問ニ對シ誠實ニ答ヘサル者又ハ其ノ他ノ犯則アリタル者ニ對シテハ此ノ限ニ在ラス

第五條　俘虜不從順ノ行爲アルトキハ監禁制縛其ノ他必要ナル手段ヲ施スコトヲ得

俘虜逃走ヲ圖リタル場合ニ於テハ必要ニ應シ兵力ヲ用キテ之ヲ防止スルコトヲ得

第五條ノ二　俘虜逃走ヲ圖リ其ノ他紀律ヲ紊ル行爲アリタルトキハ之ヲ懲罰スルコトヲ得

前項ノ懲罰ハ海軍懲罰令第十條乃至第十四條、第二十二條乃至第二十四條及第三十一條乃至第三十六條ノ規定ニ準シ之ヲ行フ

俘虜ニ對スル懲罰ハ現ニ俘虜ヲ收容スル海軍軍衙ノ長之ヲ行フ

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DEF LOC 〃 900

第六條　海軍指揮官ハ俘虜名簿、俘虜日誌、領置物件及物品目錄ヲ添ヘ俘虜ヲ鎭守府又ハ要港部ニ引渡スヘシ但シ已ムコトヲ得サルトキハ便宜其ノ他ノ海軍軍衙ニ引渡スコトヲ得其ノ引渡ヲ終ルマテノ間ニ俘虜死亡シタルトキハ其ノ遺留品、俘虜名簿其ノ他一切ノ書類物件ヲ引渡スヘシ

第六條ノ二　前條ニ依リ俘虜又ハ書類物件ノ引渡ヲ受ケタル軍衙ハ時宜ニ依リ之ヲ鎭守府又ハ要港部ニ移送スルコトヲ得

俘虜又ハ書類物件ノ引渡又ハ移送ヲ受ケタル要港部ハ時宜ニ依リ之ヲ鎭守府ニ移送スルコトヲ得

第七條　海軍指揮官ハ便宜ト認ムルトキハ陸軍軍隊又ハ兵站若ハ憲兵隊ニ俘虜ヲ引渡スコトヲ得此ノ場合ニ於テハ前條同相當官及下士卒ニ區別シ其ノ員數ヲ直ニ海軍大臣ニ報告スヘシ

官衙ニ協議シ之ニ俘虜名簿、俘虜日誌、領置物件又物品目錄ヲ添ヘ其ノ引渡ヲ終ルマテノ間ニ俘虜死亡シタルトキハ其ノ遺留品、俘虜名簿其ノ他一切ノ書類物件ヲ引渡スヘシ

第八條　鎭守府司令長官、要港部司令官又ハ其ノ他ノ海軍軍衙ノ長俘虜ノ引渡又ハ移送ヲ受ケタルトキハ前條同相當官及下士卒ニ區別シ其ノ員數ヲ海軍大臣ニ報告スヘシ

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海軍大臣前項ノ報告ヲ受ケタルトキハ俘虜ヲ陸軍ノ俘虜受領員ニ引渡スヘキ場所及日時ヲ指定ス

第九條　鎮守府、要港部又ハ其ノ他ノ海軍軍衙ニ於テ俘虜ノ引渡ヲ受ケタルトキハ之カ脱走又ハ引渡ヲ為ス迄ノ間便宜兵舎其ノ他俘虜ノ逃走ヲ防止スルニ足ルヘキ建物ノ内ニ収容スヘシ

第十條　俘虜ヲ収容シタル場所ハ海軍将校監督ノ下ニ監守者ヲシテ之ヲ取扱ハラシムヘシ

第十一條　俘虜自費ヲ以テ嗜好品其ノ他日用ノ物品ヲ購買センコトヲ申出ルトキハ監督者ニ於テ差支ナシト認ムル場合ニ限リ之ニ相當ノ便宜ヲ與フヘシ

第十一條ノ二　俘虜ニ団會ヲ許ス場合ニ於テハ其ノ団會ノ場所、時間等ニ関シ取締上相當ノ制限ヲ為シ且監視者ヲシテ之ニ立會ハシムヘシ

第十二條　俘虜ノ發受スル電信及郵便物ハ監督將校ニ於テ豫メ之ヲ檢閲シ差支ナキモノハ之ヲ許可シ居留民ノ使用其ノ他緊要アルモノハ其ノ發送ヲ禁シ又ハ之ヲ沒收スヘシ

PURL: http://www.legal-tools.org/doc/ff4aa5/

第十三條　俘虜ノ發受スル郵便物ハ條約ニ依リ郵稅免除ノ特典アルヲ以テ俘虜ノ引渡ヲ受ケタル海軍軍衙ハ其ノ地所在ノ郵便局ニ協議シ之ニ關シ相當ノ手續ヲ爲スヘシ

第十三條ノ二　海軍病院又ハ其ノ他ノ治療所ニ於テ傷病俘虜ヲ收容シタルトキハ別表樣式ニ從ヒ俘虜患者記ヲ作成スヘシ

第十三條ノ三　俘虜ノ寄送ハ身分階級ニ應シ相當ノ儀式ヲ用フヘシ　5

第十四條　俘虜ノ送言書ハ帝國海軍軍人ノ送言書ト同一ノ取扱ヲ爲スヘシ

第十四條ノ二　俘虜ノ送留品及送言書ハ第六條及第六條ノ二ニ依リ引渡若ハ移送ヲ受ケタル諸官ヨリ之ヲ俘虜情報局ニ送付スヘシ但シ遺留品中保存ニ堪ヘサル物アルトキハ之ヲ賣却シテ其ノ代金ヲ送付スヘシ

前項ノ送付ヲ爲シタルトキハ海軍大臣ニ報告スヘシ

第十五條　鎭守府司令長官、要港部司令官其ノ他海軍軍衙ノ長ハ指定セラレタル場所ニ於テ俘虜名簿、俘虜日誌、領置物件及物品目錄其ノ他一切ノ書類ヲ添ヘ俘虜ヲ監軍ノ俘虜受領員ニ引渡スヘシ　（別表）略ス

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Excerpts from "The Case For Manchoukuo"
by George Bronson Rea

Manchoukuo Is Not Chinese

Pages 114-116

The legal relationship of Manchuria to China was never in question before 1911. No rational being would dispute the absolute right of the Manchus to sovereignty over their homeland up to that year; no arguments can set aside the legality and binding force of the Abdication Agreements between the Manchus and the Republic, sacred and solemn contracts incorporated into the fundamental law of the Republic, and then callously violated as to every clause; no proof can be adduced to support the contention that the Manchus have died out; so the claim of China to sovereignty over the territory of the Manchus reduces itself to the contention that since the Russo-Japanese War (1905) the influx of immigrants settling on the land has determined the ownership of the soil and that the right of sovereignty is coexistent with this occupancy.

The claim is so far-reaching, involving rights and interests and impeaching titles which have never been questioned in centuries, that they cannot possibly be disposed of by a commission which, instead of acting as mediators, constituted itself into a court from whose decision there was no appeal. To go back only to the Manchu conquest of China in 1644, we find that these strong men of the North, throughout their long rule over China, with their Mongol and Manchurian-Chinese allies, have occupied and held by right of possession all the territory north of the Great Wall as part of their homeland. It has been a reservoir from which to draw troops for replacements to hold their conquest and a safe retreat in the event of defeat. Sitting enthroned in Peking, they proclaimed their homeland a Crown Area, a closed preserve, and enacted stringent immigration laws to keep the Chinese out. They then prohibited intermarriage between the Bannermen (the Manchu Military Establishment) and the Chinese and enforced these laws up to within a few years of the abdication of their emperor as sovereign of China. Then they had their rights stipulated and recognized in solemn treaties which became the fundamental law of the new Republic.

The Chinese claims to sovereignty, based on the records of ancient history, have no force in law. Whatever rights they may have enjoyed in the dim and distant past to certain fringes in Southern Manchuria are lost, forgotten and invalidated by three centuries of Manchu occupation and sovereignty. Any Chinese claim to sovereignty over Manchuria must therefore be based on its nominal incorporation into the so-called Republic at the time of the abdication as defined by the terms of the Abdication Agreements. This basic charter has been ignored by the foreign Powers who, in subsequent treaties with the Republic, have agreed to recognize and respect the territorial and administrative independence of a state that has never been properly delimited, defined or constituted, a perpetuation on paper of an empire which collapsed and disintegrated into its component entities with the dissolution in 1911 of the Manchu authority....

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DEF. DOC. #229 - G

Excerpts from "The Case For Manchoukuo"
by George Bronson Rea

Manchuria Always Independent

Pages 208-209

It is necessary to stress certain absolute truths which require no exposition and which no outside nation acting as judge is called upon to challenge. Up to 1911, Manchuria was indisputably Manchu territory. That it was permitted to come even nominally under the rule of the Republic is traceable solely to the Abdication of the Manchu emperor and the fact that the Manchu Imperial Clan, the princes and the Bannerman resident in Peking, confiding in the binding quality of the agreements written into the Fundamental law of the Republic, did not perceive the necessity of retiring at once to their homeland. The people of Manchuria saved their country from the fate of the rest of China by empowering General Chang Tso-lin to defend their frontiers against an invasion of the Republican armies. No Chinese war-lord from districts south of the Wall has exercised authority over Manchuria since the advent of the Republic. Its ruler has always been a Manchurian who not only kept the others out but, true to tradition, invaded China Proper and brought the northern half of the country under his rule. That Chang Hsuehliang conquered north China in 1930, making Peking his capital, and then entered into a pact with the war-lord of Nanking to divide the country between them while to fool the foreign Powers, Nanking was permitted to pose as the recognized government, in no way brought Manchuria even nominally under the rule of Nanking. Chang Hsuehliang was never the subordinate. He was the "Co-Ruler of China", equal in rank and prestige to Chiang Kai-shek, a fact he impressed upon all foreigners who met and talked with him. When Chang Hsueh-liang's military power was broken, and he could no longer terrorize the people of Manchuria into submission, the right to rule did not pass to his partner despot in Nanking, but to the people of Manchuria from whom his father originally derived his powers. When the people of Manchuria declared their independence they committed no injury or injustice to China or the Nanking war-lord, who has never even visited Manchuria, cannot speak the language, and would probably be mobbed if he stepped foot in the territory without an army at his back....

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滿洲と支那との法律關係は一九一一年の辛亥革命以前には嘗て問題にされたことはなかつたのである。卽ち同年までは何人も滿洲人が其の祖國たる滿洲に絕對的主權を有することを爭ふものはなかつたのである。更に又如何なる議論も滿洲人と支那共和國との間に取結ばれた清帝退位に關する協定の有效性及拘束力を無視することは出來ないのである。殊に此の協定は支那共和國の根本法となつた神聖、嚴肅なる契約なるに拘らず各條項とも無慘に破棄されたのである。去迚滿洲人が全部滅亡したと云ふ議論を支持し得る證據もないのである。故に支那が滿洲に主權を有すと云ふ主張は一九〇五年の日露戰爭以來滿洲に流民した支那の移民が滿洲の土地所有權を獲得し其の土地所有權に伴ふて滿洲に對する主權が存在すると云ふ議論に歸着するのである。反之滿洲側の主張は數世紀に亘つて嘗て爭はれたことのない權利、利益及權原を包含する重大なものであつて聯盟調査團などが容易に處理し得る問題ではないのである。其の調査團こそ仲裁者たる役目を忘れ自ら裁判所を構成し而も其の判決にけ控訴を許さないと云ふのである。試に遡つて一六四四年滿洲人が支那を征服したことに想到せんか剛强なる滿洲人が蒙古人及滿洲人

not used

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DEF DOC # 829-G

化した支那人と同盟して長城以北の土地全部を占領し滿洲の一部として所有
權に基き之を保持して居たのである。而して此の土地は征服地支那を保持して
て行く上に於て必要なる軍隊を發發すべき貯水池でもあり又一旦敗北せる場
合には安全なる退却地でもあるのである。斯くして滿洲人が北京に於て王位
に卽くや祖國滿洲を王冠地及封禁地と爲し嚴重なる移民法を設けて支那人の
入國を禁じたのである。次で八旗と支那人との雜婚を禁じ清朝退位數年前な
で此の禁制を勵行して居たのである。而して滿洲朝廷は退位當時支那人に彼
等の權利を敢爾たる條約に規定し且つ承認せしめ其の條約は新共和國の根本
法となつて居るのである。

支那人が古代史の記錄を基礎として滿洲に主權を主張しても法律上の效力は
ないのである。假りに荒唐たる昔爾滿洲の邊境地方に多少の權利を有つて居
たにしても最近三百年に亘る滿洲人の占領及主權に依つて無效となり忘却さ
れ喪失されたものである。故に滿洲に對して支那が主權を主張さるとせば清
朝退位の際退位協定の定むる所に依つて滿洲が名義上支那共和國に合併され
た事實に其の根據を置かねばならないのである。然るに諸外國政府は此の根
本取極を無視し其の後支那共和國と締結した條約に於て國境も確定せず國家
の組織法もない支那の領土的及行政的獨立を承認し尊重することを約束して
居るのである。斯くの如きは實に一九一一年滿洲朝廷和議と俱に崩壞し分散

PURL: http://www.legal-tools.org/doc/ce5c2b/

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して各構成分子に還元した清帝國を紙上に於て引續き永存せしめんとする行爲である。

第二十七章　滿洲國は昔から獨立國である　二〇八―二〇九頁

玆に絶對の眞理がある。夫れは說明を要せず。又滿洲國を裁かんとする外部の國が挫むことも出來ないものである。夫れを玆に強調する必要がある卽ち一九一一年の辛亥革命まで滿洲が滿洲人の領土であつたことは爭はれないことである。滿洲が名義上に於てする支那共和國の支配下に遣入ることを許されたのは全く淸帝の退位に基くものである。支那共和國の根本法となつた淸帝退位協定の拘束力を信じて居た北京在住の淸朝の宗族、王侯及旗人は當時直ちに其の祖國たる滿洲に引退する必要を認めなかつたのである。滿洲人が張作霖に共和軍の侵入に對して國境を防衞する權力を賦與したことが滿洲が支那の他の地方と同一運命に陷らなつた所以である。支那に共和國が出來て以來長城以南の軍閥は嘗て滿洲に權力を行使したことはないのである。滿洲の統治者は恒に滿洲人であつて曾に外來者の來ることを防ぐのみならず其の傳統に從ひ支那本部を攻略し支那の北半を其の支配下に置いたものである。一九三〇年張學良が北支を攻略して首都を北京に奠め次て南京の軍閥と妥協して支那を二分し之と同時に諸外國を愚弄して南京政府を列強の承認した政府に仕立てたからと云つて夫れが爲斷じて滿洲が縱令名義上と雖、南京の治

PURL: http://www.legal-tools.org/doc/ce5c2b/

LLF LOC # 229- G

下に入つた意味にはならないのである。張學良は嘗て南京政府の部下となつたことはないのである。彼は其の資格及權威に於て蔣介石と對等であつて「支那の共治者」である。彼は此の事實を面談せる凡有る外國人に强調して居るのである。故に張學良の武力が破壞せられ最早彼が滿洲人を恐怖せしめて服從を强めることが出來なくなつた時には彼の統治權は南京に於ける彼の猶宰者の仲間に移らずして彼の又强作暴が初めに其の權力を貰つた滿洲の人民に移るのである故に滿洲人が獨立を宣言したからと云つて彼等は支那に對し將又南京の軍閥に對し何等損害を與へもしないし又不正義を行つたことにもならないのである。彼等南京軍閥連は嘗て滿洲を訪問したこともなければ滿洲語を話すことも出來ないのみならず軍隊の後援なくして足を滿洲の地に踏入れば恐らく暴動に遭ふのである。

PURL: http://www.legal-tools.org/doc/ce5c2b/

D OC # 23A

Ref

COMMUNIQUE ISSUED BY THE INFORMATION BUREAU OF THE FOREIGN OFFICE REGARDING THE INTERVIEW BETWEEN FOREIGN MINISTER NOMURA AND AMERICAN AMBASSADOR GREW.

December 18, 1939.

The Foreign Minister, Admiral Kichisaburo Nomura, requested the American Ambassador, Mr. Josph C. Grew, to call on him at 3:30 p.m. today, December 18. Continuing their discussion of the various questions which have arisen between Japan and the United States in the course of the China Affair for one hour and a half, they held conversations in a mutually constructive spirit for the purpose of surmounting obstacles of Japanese-American friendly relations.

In the interview Foreign Minister Nomura communicated to Ambassador Grew that, in view of the fact that the absolute military requirements calling for the closure of the lower Yangtze River area have become amenable to gradual modification, the Japanese forces have accordingly decided to make preparations with a view to lifting the ban on the navigation of the Yangtze from Nanking downward under certain restrictions for the maintenance of peace and order and for military operations.

PURL: http://www.legal-tools.org/doc/de6dae/

IPS DOC # 234

C E R T I F I C A T E

Statement of Source and Authenticity

I, HAYASHI, Kaoru, Chief of the Archives Section, Japanese Foreign Office, hereby certify that the document hereto attached in English consisting of 1 page and entitled "Communique issued by the Information Bureau of the Foreign Office regarding the interview between Foreign Minister Nomura and American Ambassador Grew," is an exact and true copy of an official translation of the Japanese Foreign Office.

Certified at Tokyo,
on this 13th day of January, 1947

K. Hayashi
Signature of Official

Witness: T. Sato

PURL: http://www.legal-tools.org/doc/de6dae/

Rejected
IV-5
REJ

DEF DOC # 235

REMARKS OF THE FOREIGN OFFICE SPOKESMAN CONCERNING THE INTERVIEW BETWEEN TH. FOREIGN MINISTER ADMIRAL KICHISABURO NOMURA AND THE AMERICAN AMBASSADOR MR. JOSEPH C. GREW.

December 18, 1939.

In his interview with Amaassador Grew today, Foreign Minister Nomura explained to the latter to the following effects:-

Various restrictions placed on American rights and interests in China in the course of the China Affair have arisen either as unavoidable consequences of military operations in China or as a natural corrolary of the reforms which have been in progress simultaneously with the long-term reconstruction in China.

The Japanese Government have hitheroto put forth their sincere efforts for the settlement of the so-called pending questions between Japan and the United States and it is their intention to continue such efforts.

It is greatly regrettable in this connection that Japan is misunderstood in some quarters as if she were intending to act in an exclusive and monopolistic manner. The Japanese Government are not acting with a view to shutting out in the future the economic activities of other Powers in China. As a matter of fact they are not reluctant to open even the Yangtze and Pearl Rivers at a proper time and under appropriate conditions.

It is hoped that in the light of the above explanation made by the Foreign Minister Japan's real intention will be understood not only by the United States but by other Powers.

PURL: http://www.legal-tools.org/doc/fe64c2/

LEF DOC # 235

C E R T I F I C A T E

Statement of Source and Authenticity

I, HAYASHI, Kaoru, Chief of the Archives Section, Japanese Foreign Office, hereby certify that the document hereto attached in English consisting of 1 page and entitled "Remarks of the Foreign Office Spokesman concerning the interview between the Foreign Minister Admiral Kichisaburo Nomura and the American Ambassador Mr. Joseph C. Grew, December 18, 1939. is an exact and true copy of an official translation of the Japanese Foreign Office.

Certified at Tokyo,
on this 13th day of January, 1947.

K. Hayashi
Signature of Official

Witness; T. Sato

PURL: http://www.legal-tools.org/doc/fe64c2/

Ref'

LNF 100 ir 200

野村外務大臣「グルー」米國大使會談ニ關スル情報部長談話

（昭和十四年十二月十八日）

野村「グルー」會談ノ內容及意義ニ付テ新聞記者ノ質問アリシニ答ヘテ須磨情報部長ハ左ノ通リ語ツタ。

野村大臣ハ本日「グルー」大使トノ會見ニ於テ、支那事變中ニ於ケル在支米國權益ニ對スル各種ノ制限等ハ、對支軍事行動ニ伴フ已ムヲ得ナイ結果テアルカ、又ハ長期建設ニ併行シテ行ハルル各種變革ノ當然ノ影響テアル。帝國政府トシテハ之等ニ就テノ所謂懸案問題ハ從來共解決ノ爲熱心努力シテ來タノテアリ、今後共鋭力スル意向テアル。然ルニ從來日本ヲ動々トモセハ獨占排他的ノ行動ヲ執ルモノテアルト誤解スル向モアリ當タ遺憾テアル。帝國政府ニ於テハ各國ノ對支經濟活動ヲ將來ニ亘リ閉鎖スル目的ヲ以テ行動シテ居ルノテハ無イ。例ヘハ揚子江及珠江ノ如キモ適當ノ時機條件ノ下ニ開放スルニ吝カテナイコトヲ懇切ニ說明サレタ。之ニ依テ米國政府ハ勿論其ノ他ノ諸國モ我眞意ヲ諒解センコトヲ希望シテ居ル。

C E R T I F I C A T E

Statement of Source and Authenticity

I, HAYASHI, Kaoru, Chief of the Archives Section, Japanese Foreign Office, hereby certify that the document hereto attached in Japanese consisting of 2 pages and entitled "Remarks of the Foreign Office Spokesman concerning the interview between the Foreign Minister Admiral Kichisaburo Nomura and the American Ambassador Mr. Joseph C. Grew, December 18, 1939," is an exact and true copy of an official document of the Japanese Foreign Office.

Certified at Tokyo,
on this 13th day of January, 1947.

K. Hayashi
Signature of Official

Witness: T. Sato

PURL: http://www.legal-tools.org/doc/fe64c2/

Not used

DE F LOC # 236

Translated by
Defense Language Branch

Excerpt from a Treatise on International Law concerning the Land Warfare between Russia and Japan

Compiled by ARIGA, Nagao, LL. D., Litt. D., an official attached to the regular staff of the general Staff Office

Treatise on International Law concerning Land Warfare between Russia and Japan

Published by the KAIKO-SHA (TN: Military club)

.....(Omitted).....

(From P. 196 to P. 201)

CLAUSE 34 -- The Treatment of Prisoners of War on the Japanese Mainland

Those prisoners of war to be sent back from Manchuria to Japan proper were mustered in DAIREN for the time being and transported by water to UJINA, the military anchorage headquarters. Near UJINA they were landed for disinfection on the island of NIJIMA situated in the picturesque Inland Sea. The wounded and invalid were transported by Japan Red Cross ships or by army hospital ships with Red Cross relief members on board.

The healthy prisoners of war were sent by water from NIJIMA or by rail from UJINA to MATSUYAMA, HAMADERA, HIMEJI, FUSHIMI, OSAKA, SENDAI and NARASHINO, and interned in detention camps, army barracks, official residences, Buddhist temples or in private villas.

PURL: http://www.legal-tools.org/doc/d05af3/

The places for the war prisoners' detention were all selected, the chief considerations being the healthfulness and ease of supervision. Some of the wounded and invalids were interned in hospitals specially set up for prisoner patients and some were received in the reserve hospitals in the remaining divisions as mentioned later. Their madical treatment, in most cases, was entrusted to the Japan Red Cross relief members. At the time of the Russo-Japanese war, there were no definite regulations for treating war prisoners captured in Naval battles. Japan did not like to discriminate with them whether they participated in sea or land warfare, consequently, by the ordinance of the Navy Ministry, a system of entrusting naval prisoners of war to the army was enforced. Notification No. 33 of the Navy Ministry issued on Feb. 17, the 37th year of Meiji. (1904)

Several Russian officers who were accustomed to an everyday life of luxury, discontented with Japanese treatment, gave vent to their dissatisfaction in a Russian newspaper, but according to the testimony of Councillor AKIYAMA, prisoners of war in general expressed their satisfaction with their food and clothing. The article given under P. 83 of the International Law Journal, March issue, the 37th year (of Meiji) (1905) comments: "The daily maintenance expenses for one prisoner of war as stipulated by the Japanese Maintenance Regulations, are small if compared with the cost of living in Europe but

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the expenses are sufficient as the prices of commodities in Japan are so cheap. Among prisoner officers in Port Arthur, there was once a crtain officer who had much money with him. By illegal means he sent a message to Russia, in which he mocked at the ridiculouly poor amount of war prisoners' allowance. But officers and soldiers in general did not complain on the point at issue.

In regard to observing one's religion, utmost freedom was given to all prisoners of war. Bishop NIKOLAI whom we mentioned under CLAUSE 15, was permitted by our government to dispatch his Japanese priest to every detention camp all over the country to observe Greek Orthodox church service. All other prisoners of war who did not belong to the Greek Church were allowed to observe their services according to their creeds. The two instances that the author learned, were those of rare services, which were equally allowed to be observed as well as other religions. The first instance is that of a group of prisoners who belonged to a certain sect whose name is unknown. As the feast came, for a week they ate no food cooked by persons of another sect, but received rations of meat and vegetables as raw materials which they cooked by their own fire and ate in new vessels never used before by persons of another sect.

They applied for permission to do this, and it was granted. The second instance was that of a few soldiers who belonged to a certain sect.

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When the moon reached a certain phase, they sat up all night and prayed outdoors. All these services were authorised in accordance with the Hague Regulations ARTICLE XVIII.

The prisoner officers or those ranking with them who had their families, were permitted to live with members of their families in private houses within a certain precinct outside a detention camp, after getting an approval of the War Minister and swearing not to escape All prisoners of war also were allowed to take a free walk within a certain area, after taking an oath not to escape and getting permission of the commanders of garrison headquarters who were to exercising surveillance on them. In MATSUYAMA there were sixteen houses in which prisoners lived with their family members. Among their families, there were some who came over from Russia, and others who stayed in Port Arthur before its capitulation. There was one prisoner of war who was allowed to live in a private house, though his rank was that of a non-commissioned officer, after a special consideration because of repeated supplications on the part of his wife. A matter worthy of special mention here is that there were several prisoners of war, interned at MATSUYAMA, who were blessed with children, and living there and returned to their country for a while but came back to MATSUYAMA to settle down after the peace treaty. They are still living their at present. Councillor AKIYAMA says, there was hardly any Russian prisoner of

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war who understood the Japanese language. For those prisoners of war who were interned in Japan proper so far away from their homeland, it was necessary to attach detention camp interpreters who were versed in the Russian language, in order to lessen their melancholy during their internment and satisfy their daily wants. The Imperial Government was most careful in this respect, and, besides appointing officers commisioned and non-commissioned who were versed in English, French, and German, as staff members and other officers of detention camps, they attached 182 Russian interpreters to all detention camps over the country, even though they found it very hard to get these interpreters as many of them were needed for expedition detachments. (The International Law and Comperative Jurisprudence Journal, 1906, P. 711 ff.)

The Russian prisoners of war were permitted to take in foreign newspapers. Among those issued in Japan, "the Japan Times", "the Japan Mail" and "the Japan Gazette" were allowed. "The Times", issued in London, England, "Le Temps", France, "the Sun", U.S.A., "Nord Deutsche Allgemeine Zeitung", Germany and "the Neue Freie Presse", Austria were also permitted. And in the name of so-called presents in ARTICLE XVI of the Hague Treaties, they were allowed to receive books and pamphlets. As the Japanese Government did not desire to have writings violently opposing the enemy government propagated among the prisoners of war, they prohibited the prisoners receiving the magazine

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entitled 'the Russian Revolution' and the magazine named 'the OSPOVOGENIE'. (?) The Russian prisoners of war were also allowed to send and receive mail and telegrams written in one of Japanese, Russian, English, French or German languages through the censorship of the army authorities. They were permitted to receive and send money by postal orders. Their letters, post-cards, parcel post and postal orders were all exempted from duties. As to the prisoners' intelligence service, our Prisoners' Intelligence Bureau informed the French Minister in Tokyo of a Russian war prisoners' roster every week since March 30, 37th year of Meiji (1904). In August of the same year, direct communication was commenced between the Japanese and Russian Intelligence Bureaus; the Russian Prisoners' Intelligence Bureau was to inform the Japanese Legation in Berlin of a Japanese prisoners' roster, while the Japanese Prisoners' Intelligence Bureau was to send a Russian Prisoners' roster to the Russian Legation in Peking. Our Intelligence Bureau gave information of rosters very punctually thrice (on the 5th, 15th and 25) of every month until the end of the war. The Bureau handed over a bunch of these identification cards kept in their office as referential materials for reports concerning, the Russian prisoners and deceased in Japan to General DANILOFF who was dispatched to Japan to receive Russian prisoners of war.

Dr. MARTENS, with a fairness which we are pleased

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to mention here, praised Japan's service in regard to the prisoners of war whenever he found an opportunity. Above all, at the Red Cross Treaty Revision Conference held at Geneva in the 39th year of Meiji (1906), and also at the 8th International Red Cross General Meeting held in London in June, 40th year of Meiji (1907), he expressed his views, and called on the Japanese Minister in Russia to express special thanks in his capacity as Director of the Russian Intelligence Bureau.

This is clearly shown in the following official letter {dated Dec. 14, 39th year of Meiji (1906)} transmitted from the Foreign Minister to the War Minister.

"We beg to inform you of the following message from Minister MOTONO in Russia: Dr. MARTENS, Adviser to the Russian Foreign Office and Director of the Russian Prisoners' Intelligence Bureau during the Russo-Japanese War, called on the Minister requesting him to convey his thanks in his official capacity as Director to the Japanese Government for the cordial treatment of Russian Prisoners of war in Japan during the war."

..... (Omitted) .....

Printed June 25, the 44th year of Meiji (1911)
Issued July 5, the 44th year of Meiji (1911)
Reprint not allowed.
No. 56 Miyogadani-machi, Koishikawa-ku, Tokyo
The Author : ARIGA, Nagao.

PURL: http://www.legal-tools.org/doc/d05af3/

D EF DOC # 236

No. 52 2chome Iidamachi, Kojimachi-ku, Tokyo

The Publisher : SHIIKAWA, Kamegoro

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No. 2 Kioicho, Kojimachi-ku, Tokyo

The Printing Office : The GENSHIN-SHA

PURL: http://www.legal-tools.org/doc/d05af3/

ILF IOC # 236

C E R T I F I C A T E

Statement of Source and Authenticity

I, ENOMOTO, Fuji, who was in charge of affairs relating to international law in the secretariat of the Navy Department as a councillor, or as professor with the concurrent post of secretary, from 1915 to 1945, and who afterwards assumed office in the Second Demobilization Department, and now in the Second Demobilization Bureau, hereby certify that the document hereto attached in Japanese, consisting of 69 pages and entitled "International Law in the Russo-Japanese War" was obtained by me for official reference and has been in my custody thenceforth.

Certified at Tokyo,

on this 14th day of January 1947.

ENOMOTO, Fuji Seal
Signature of Officeal

Witness: MUNDAIYA, Shinji

TRANSLATION CERTIFICATE

I, William E. Clarke, of the Defense Language Branch, hereby certify that the foregoing translation described in the above certificate is, to the best of my knowlege and is as near as possible to the meaning of the original document.

/S/ William E. Clarke

Tokyo, Japan

Date : 20 January 1947

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日露陸戰國際法論抜粋

法學博士
文學博士　有賀長雄編纂

參謀本部囑託　日露陸戰國際法論

東京偕行社藏版

（中略）

第三十四條　日本内地ニ於ケル俘虜狀況

（自一九六頁
至二〇一頁）

滿洲ヨリ日本内地ニ後送スヘキ俘虜ハ、一旦之ヲ大連ニ集合シ、運送船ノ便ヲ俟テ陸軍ノ碇泊地司令部所在地タル宇品ニ向ケ輸送シ、宇島附近ニ於テ風光絶ノ如キ内海ノ似島ニ上陸セシメ、消毒ヲ行ヒタリ。傷病者ハ、日本赤十字社ノ病院船又ハ同社救護員ノ勤務スル陸軍病院船ヲ以テ輸送シタリ。而シテ健康者ハ或ハ似島ヨリ船便ニ由リ、或ハ宇品ヨリ鐵道ヲ以テ松山、廣寺、姫路、伏見、大阪、仙臺、習志野ニ發送シテ俘

PURL: http://www.legal-tools.org/doc/d05af3/

DLF DOC # 236

虜收容所又ハ兵舎、官舎、寺院又ハ私人ノ別荘等ニ収容シタリ。俘虜抑留ノ場所ハ執レモ其ノ健康地タルト監督ノ容易ナルトヲ主タル條件トシテ選擇シタルモノナリ。傷病者ハ或ハ俘虜病院ニ於テ、又或ルモノハ留守師團ノ陸軍病院ニ於テ治療シタルコトハ前ニ述ベタルガ如シ。而シテ其ノ治療ハ大抵ノ場合ニ於テ日本赤十字社ノ救護員ニ委託セラレタリ。

日露戰爭ノ當時ニ於テ海牙ニ依リ定ジタル俘虜ノ待遇ニ關シテハ一定ノ規則アラザリシガ、日本ハ海陸ニ依リ差別ヲ爲スコトヲ欲セズト因リテ海軍省令ヲ以テ陸軍ノ俘虜ヲモ之ヲ陸軍ニ委託スルノ外ヲ設ケラシタリ。

茲ニ十七年二月十七日海軍省達第三五號ヲ以テ俘虜ノ生活ニ慣レタル俘虜將校ノ數名ハ日本ノ待遇ニ不滿ヲ懷キ、更ニ新聞紙ニ不平ヲ漏シタリトテ、秋山參謀官ノ陸軍ニ依レバ、俘虜ハ一般ニ食物、被服等ニ付キ不足ノ點ヲ表シタリ。三十八年三月刊行陸軍法務誌八三頁以下日本ノ給養規則ニ依リ定メタル俘虜一名一日ノ給養費

PURL: http://www.legal-tools.org/doc/d05af3/

D E F DOC # 236

ハ、之ヲ欧洲ニ於ケル生活費ニ比スルトキハ實ニ小額ナリト雖、日本ニ於テハ物價低廉ナルニ因リ、之ヲ以テ餘アリトシタリ。

又會テ旅順ニ在リシ俘虜將校中ニ、多分ノ金ヲ私有スル者アリテ、不法ノ手段ニ由リ軍ニ發信シテ日本ニ於ケル俘虜手當金額ノ等ヲ少額ナルコトヲ聞キ、弄シタリ。然レトモ一般ノ將校、士卒ハ此ノ點ニ就キテ自己ノ宗旨ヲ遵行スルコトニ就キテハ終テノ俘虜ニ最大ノ自由ヲ與ヘタリ。舊十五節ニ述ヘタルニコヲイ主教ハ我カ政府ノ許諾ヲ經テ、其ノ徒弟タル日本人ノ牧師ヲ各收容所ニ派遣シ俘虜ノ爲ニ希臘正教ノ禮拜ヲ行ハシメタリ而シテ希臘教會ニ屬セサル他ノ俘虜ニモ總ク其ノ參スル所ニ於テ禮拜スルコトヲ許シタリ。基督者ノ聞クコトヲ得タル二ノ場合ハ、殆ト有ナル禮拜式タルニ拘ラス、他ノ各宗ト均シク遂行ヲ許サレタリ。其ノ一ハ何宗ナルカ今其ノ宗名ヲ記ニセストモ、之ハ屬スル一團ノ俘虜ハ、終期ニ臨レハ一週間會ク他宗者ノ覺束シタル食物ヲ食ハス、肉及野菜ヲ原料ノマヽニテ支給ヲ受ケ、其ノ自ラ焚キタル火ヲ以テ自ラ調理ふ、之

PURL: http://www.legal-tools.org/doc/d05af3/

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ヲ禁ヲ他宗者ノ用ヒサリシ新調ノ器物ニ盛リテ食セシコトヲ願出デ、許可セラレタリ。

其ノ二ノ場合ハ、或ル宗旨ニ屬スル兵卒數名ニ限リ、月ガ一定ノ形狀ニ達スルトキハ夜寢ネズ、戸外ニ在リテ祈禱シタル場合ナリ。法牙規則第十八條ニ依リ總テ此等ノ禮拜式ヲ公許シタリ。

停虜收容所及同相當官ニシテ家族ヲ有スルモノハ陸軍大臣ノ許可ヲ得、且捕虜ヲサルコトヲ官吏シタル上、收容所外一定ノ地區內ニ在ル民屋ニ其ノ家族ト同棲スルコトヲ許サレタリ。又總テノ俘虜ハ逃走セザルノ宣誓ヲ爲シタル上ニ限リ自由散步スルコトヲ許サレタリ。松山ニ於テ、家族ト同棲シタル者十六戸アリ、其ノ家族中ニハ屢々歸國セリ來リシモアリ、又旅順開城前ヨリ同地ニ在リシモアリ、又身分ハ下士ナレトモ其ノ妻女カ反對切願シタルニ因リ、特別ノ許可ヲ以テ民屋居住ヲ許サレタル者一人アリ。

此ノ外俘虜ニシテ其ノ屋土生活ヲ喜ヒ、講和ノ後一旦歸國シテ、又松山ニ來リ、現ニ同地ニ居住スル者數

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アルコト是レナリ。

秋山参事官曰、敵國俘虜中、日本語ヲ解スル者ハ殆ント無ク、郷里遠隔ナル帝國内地ニ收容セラレタル俘虜ニ對シ、其ノ抑留中ノ裏書ヲ輕減シ又ハ彼等ノ國語ニ通スル通譯ヲ以テ日常ノ用務ヲ充タシメンニハ、帝國政府ハ最モ此ノ點ニ注意シ收容所ハ配慮スルノ必要アリタルガ爲ニ、帝國政府ハ最モ此ノ點ニ注意シ成ルベク英、佛、獨等ノ國語ニ通曉スル將校下士卒ヲ俘虜收容所職員以下ニ採用シタルノ外、飜譯通譯ヲ得ント欲シテハ、出征部隊ニ其ノ多數ヲ要シタル爲メ、非常ノ困難ヲ感ジタルニ拘ラズ、全國各俘虜收容所ニ漏レナク、百八十二名ノ通譯ヲ配屬シタリ」ト。一九〇六年「國際法及比較法雜誌」七一一頁以下。

敵國ヲ除ハ日本ノ指定シタル外字新聞ヲ購讀スルコトヲ許サレタリ。即チ日本内地ニ刊行スルモノニテハ「ジヤパン、タイムス」「ジヤパン、メール」及「ジヤパン、カゼツト」ヲ許サレ、英國倫敦刊行ノ「タイムス」、佛國ノ「タン」、台湾國ノ「サン」、獨逸ノ「ノルド、ドイチコ、アルゲマイネ、ツアイツング」、澳太利ノ「ノイエ、フライエ、プレ

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セルヲ許サレタリ。而シテ彼等ハ海牙條約第十六條ノ所謂賍品ノ名義ヲ以テ、書籍及冊子ヲ受領スルコトヲ許サレタリ。然ルトキハ日本政府ハ敵國政府ニ敵對スル文章ヲ俘虜ノ間ニ傳播スルヲ欲セザリシヲ以テ、同國在留ノ獨逸人ニ於テ刊行スル「ヴォルガ・ライン」ト云ヘル雜誌ト、「解放革命」ト題スル雜誌トハ受領ヲ許サザリキ。

又獨逸俘虜ハ日、露、英、佛、獨語ノ一ヲ以テ記シタル郵信、電信ヲ發信官憲ノ檢閲ヲ經テ發受スルコトヲ許サレ、又郵便爲替ヲ以テ金錢ヲ受領スルコトヲ許サレタリ。其ノ信書、端書、小包郵便及郵便爲替ハ總テ免税タリキ。

俘虜情報局ハ三十七年三月三十日以後特ニ一國ノ列席東京佛國公使ニ、我カ國ノ俘虜ニ關スル情報ヲ通知シタリ而シテ同年八月ニ至リ日露兩國ノ情報局間ニ直接ノ交通ヲ開キ、露國俘虜情報局ハ露國日本人ノ名簿ヲ在伯林日本公使館ニ通知シ、日本情報局ノ俘虜露國人ノ名簿ヲ在北京露國公使館ニ發送スルコトトシタリ。

我カ情報局ハ爾ル正確ニ毎月五日、十五日、二十五日ノ三回ニ名簿ヲ通

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知シ戦争ノ終ニ至リ、在日本露國俘虜及其ノ死亡者ニ關シ情報局ニ備ヘ置カテ報告ノ材料トナシタル総々表ヲ一括シ、巴勇受取ノ上メ日本ニ派遣セラレタルダニロフ將軍ニ交付シタリ。

マルテンス博士ハ茲ニ記述スルヲ愉快トスル公平ノ心ヲ以テ、極會ノ右スル毎ニ日本ノ俘虜ニ關スル勧誘ヲ称美セラレタリ。就中三十九年、「ジュネーブ」ニ於テ開カレタル赤十字條約改正會議ニ於テ、又四十年六月倫敦ニ開カレタル第八萬國赤十字總會ニ於テ其ノ旨ヲ述ベ、又同情局長ノ資格ヲ以テ特ニ在伊國日本公使ヲ訪問シテ謝辞ヲ呈セラレタル事ナリ。次ノ公文三十九年十二月十四日附外務大臣ヨリ陸軍大臣ヘ移牒ニ依リ之ヲ見ルコトヲ得ヘシ

日露戦役中ノ俘虜情報局長官タリシ同氏外務省顧問博士マルテンス氏茲ニ日本在同盟本野公使ヲ往訪シ、長官ノ資格ヲ以テ現役中本邦ニ於ケル俘虜保護ノ取扱方ノ極メテ懇篤ナリシニ對シ正式ニ帝國政府ニ感謝ノ意ヲ表シ度趣ヲ以テ右傳達方依頼有之候旨、同公使ヨリ具申有之候間、右様御承知相成度此段申進候也

（中　略）

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文書ノ出所ニ關スル證明書

一、自分横太郎治ハ大正四年カラ昭和二十年迄海軍省參事官又ハ海軍教授兼海軍書記官等トシテ海軍大臣官房ニ在リ國際法規關係事務ニ關與シ爾來引續キ第二復員局ニ勤務スル者デアル。

二、本證明書ニ添付シタ日本語ニ依リ印刷セラレ六九頁ヨリ成ル「日露陸戰國際法論」ハ職務上參考トシテ入手シ現在モ所持シテヰタモノデアル。

右各號ハ眞實ナルコトヲ證明スル

昭和二十二年一月十四日　於東京

横太郎治

右署名捺印ハ自分ノ面前ニ於テ爲サレタリ

同日　於同所

立會人

宗宮信次

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